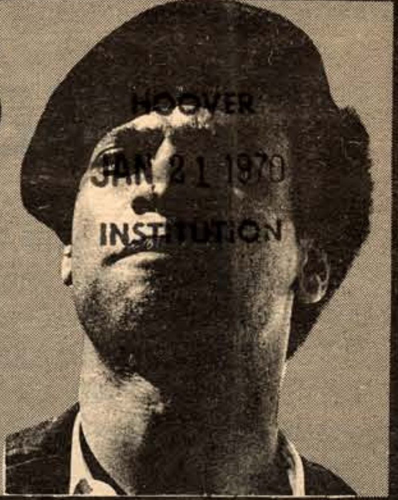
THE BLACK PANTHER

25 cents

Black Community News Service

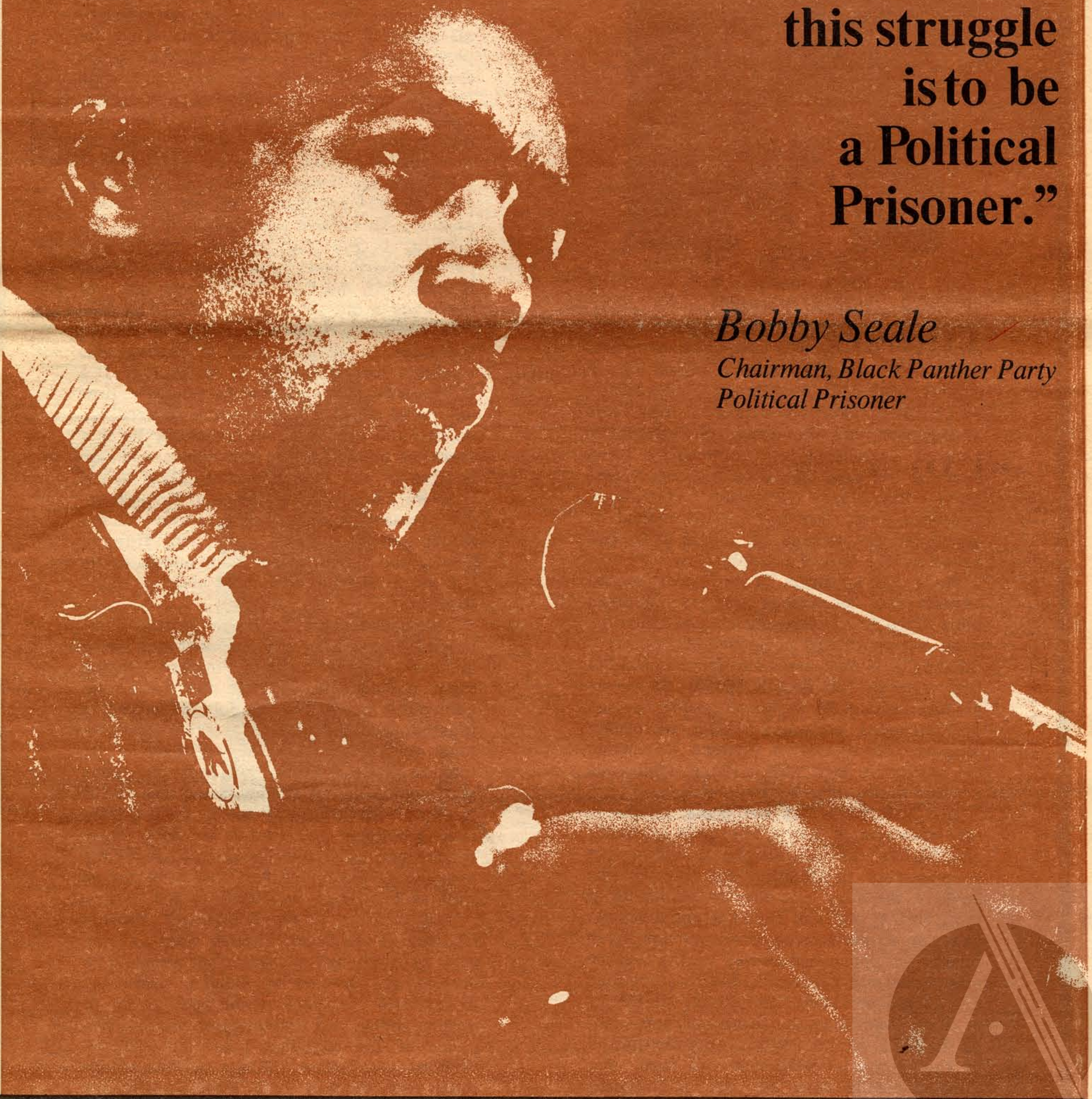
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"To be a Revolutionary is to be an Enemy of the state. To be arrested for this struggle is to be a Political Prisoner."

Bobby Seale
Chairman, Black Panther Party
Political Prisoner



INSIDE: Message from Geronimo... "An Appeal from Prison," -Bobby Seale

MESSAGE FROM GERONIMO

To talk about these filthy disease-ridden pigs and pig pens would only be an echo of the voices of all political prisoners. We should understand the terms such as Cook County Jail, Chino, Tracey, Quentin, etc. are nothing but euphemisms for Prisoner of War Camps. Politics is war without bloodshed; war is politics with bloodshed. So either way you look at it we're Prisoners of War.

We understand quite clearly that the methods used by the fascist U.S. government are essentially the same as those used by Hitler,



Geronimo Dep. Min. Of Defense
So. Calif. Chapter B.P.P.
Political Prisoner

Mussolini, Tito, and all fascist masterminds throughout history. We also understand that the people are the decisive factor in the making of World Revolution. So therefore we move to educate people to what this government is all about. We educate by various means, i.e.: Community News Service, Political Education Classes, Liberation Schools, Community Meetings, Speeches, etc. But our main method of educating the masses of people is by our practice. The tool of example!

Since the inception of our revoltuionary organization, courageous brothers have given their lives in the struggle for liberation for poor and oppressed people of this country - the world. Giving one's life for the cause of liberation of the people should act as an alarm, calling all exploited people to open up their eyes, ears and hearts, and openly support the liberation fighters throughout the world. So then why is there singing and dancing in the slave quarters?

It's high time that the Black people in this country stop licking lolly pops and boots, and realize that the lollypop is nothing but a temporary pacification act and that the heel of the very boot they're licking is on their necks, and has been keeping them oppressed all their lives, for centuries. Even though the oppressed people of this country are socialistic by nature, their aspirations are all geared toward capitalism. The theory of Black Capitalism that is strongly supported by the Nixon Administration is part and parcel of the same capitalism that has been exploiting people here all over this planet.

Capitalism is a parasite that survives off the blood, sweat, and toil of the poor and oppressed people. But it is an objective fact independent of man's will, that capitalism will inevitably perish.

It is almost impossible to talk about capitalism and not mention the powerful vehicle on which it is able to maneuver into every corner of the earth: the news media- the apologist of neo-colonialism, the justifier of fascism, the disseminator of imperialist propaganda. In Africa, the Zulu warriors each upon reaching manhood would go out into the jungle and kill a lion. He then would take the lion's mane and wear it as a headpiece, to exemplify his manhood. In any part of the country, they would go, they would wear this headpiece to show their courageousness. This was their form of propanganda to show that they were brave and courageous warriors, and that they weren't to be f---ed with. This form of propaganda was valid and authentic. On the contrary, during the time of the Roman Empire, the Romans would pay men to go into all parts of the continent to lie about the powerfulness of the Roman Empire, about how they had conquered this country or that country, and how beautifully the people lived. Before long they set an image that was omnipotent, and when countries heard of the Romans coming, they were so frightened just from the thought of such an army that they would surrender before the battle started. This form of propaganda was deceiving, untrue and invalid. Such is the propaganda of the U.S.; and just as the Roman Empire fell, the U.S. Empire will fall - at the hands of the people.

In Germany, Hitler assigned a man named Goebbels to be in charge of propaganda. Goebbels was an expert in tricknology. His propaganda was such that he wouldn't allow any joyful songs to be played over the radios, so that the people would constantly be in a state of mind that was monotonous and supportive of the Hitler Regime. Here in the U.S. we can equate Goebbles to vice-president Agnew, who has strict control of the major American News Media; and, Hitler to Nixon, who masterminds and manipulates the U.S. government in an almost identical Nazi-like manner.

The brothers and sisters in the many communities across the country must stop jiving and start looking into things instead of taking them at face value. All the nickle and dime games that you play on other oppressed people must stop. All the red devils, trues, and drugs must go. Those ElDorados will have to turn into tanks, and those bad rags, into guns and ammo. You must understand that you're the ones that're going to be on the front lines, whether you like it or not. Every Black man is a dangerous suspect in the eyesight of the oppressor. You know that as well as I. So right on, Brothers and Sisters.

The spirits of the Southern California Chapter of the Black Panther Party are as high as ever, and we wish that we could be out in the streets of Babylon continuing to educate the masses to new levels of understanding and revolutionary fervor. Because of the fact that I have to write intermittently, I think I'd best end this before these pigs tear this up. So Right On brothers and sisters.

ALL POWER TO THE PEOPLE
GUERILLA POWER TO THE ELITE
Geronimo

DAVID HILLIARD

INTERVIEW WITH CBS NEWS

Sunday, December 28, 1969

REPORTERS:
George Herman, CBS News
Bernard Nossiter, Washington Post
Ike Pappas, CBS News

MR. HERMAN: Mr. Hilliard, the clashes between the Black Panther leaders and the police are now the subject of at least three investigations, one by the Justice Department, one by a group of Black Congressmen, and one by a group headed by former Supreme Court Justice Arthur Goldburg and former Attorney General Ramsey Clark. What do you hope for from any or all of these investigations?

MR. HILLIARD: We hope that these investigations will serve as a convincing indictment against the oppressive United States government and its killer police. The Black Panther Party has all along said that the police were the main forces of oppression in our communities and also we had made a trip to New York City to the UN last year to apply' for NGO status. So it has become very clear that the government is working in cohorts with the local agencies, the police, in a brutal attempt to try to liquidate the Black Panther Party. So out of that investigation we hope to bring the truth to the American people so that we can have peace in our communities.

MR. HERMAN: Mr. Hilliard, all three of these investigations are being conducted by people either in or very close to the establishment, the Justice Department, former officials of the federal government, present members of Congress. Do you really think that one of these investigations will find what you claim, oppression by the government against the Black Panthers?

MR. HILLIARD: I think that already the Black Congressmen, headed by Congressman Diggs, have shown concern for their own national salvation. Of course, we do not have faith in the Justice Department, because the Justice Department is the symbol of injustice as far as its Black subjects are concerned. We refer to Goldberg as a fox that watches over the chickens. So we do not expect any equality. We do not expect justice from the other individuals. But we do have faith in our own people and the very fact that they have come forth to try to bring out the criminal indictments against the police and the other agencies of the United States government shows, if nothing else, that there is solidarity with the Black people. So we see that as being victorious.

MR. NOSSITER: Mr. Hilliard, you speak of criminal activities of police. But don't the Panthers stock and collect guns themselves? Isn't this an invitation to the police to take action?

MR. HILLIARD: First of all, the Panthers do not stock guns. We are very aware of the gun laws. We advocate each individual having a shotgun in their homes, as spelled out under the Constitution of the United States. It is not our purpose to assemble large caches of weapons. If we have weapons, we would distribute the weapons in the community for self-defense, but we do not have armories. And, even if we did, we would expect the same treatment under the law that is given to members of the Ku Klux Klan, people like the Thorensons or the Birchites.

MR PAPPAS: Mr. Hilliard, the Justice Department denies what you say, that there is an organized attempt to destroy the Black Panthers. But, if what you say is true, how successful has it been, has this campaign been against you?

MR. HILLIARD: I don't think that we can say it was successful. What it has done is it brought to the attention of the American people the atrociousness of the American government in terms of its subjects, people moving for their freedom. The very fact that they attack us so openly shows that they are very brutal people, that they are barbarous, criminal element within society. But, as far as their successfulness is concerned, they are not successful. They can never exterminate the Black Panther Party because the Black Panther Party is not just a party for itself but, rather, it is a party for the people, and its ideas--

MR PAPPAS: Well, most of your leadership has been either jailed or is in exile, or some of them are dead. There is a leadership gap, obviously, in your organization. It seems to me that if there is a campaign against you, it has been successful to a certain point.

MR. HILLIARD: Most people would like to think that, especially the enemy, but we're satisfied that they can never exterminate the Black Panther Party. In order to do that, they would have to commit genocide because what we are working for is already spelled out within the consitituion of the United States. We are asking for the basic necessities for human life so, therefore, it would be impossible for them to exterminate or really have a successful extermination campaign against our Party. Our Party is manifested in the people.

MR. HERMAN: Mr. Hilliard, you say that what you are after is manifested in the constitution and yet you personally have said that you advocate the very direct forceful overthrow of the government. You are under indictment, as I understand it, for advocating the assassination of President Nixon. That doesn't sound to me like it is all within the constitution.

MR HILLIARD: What is within the constitution is our right to free speech.

MR HERMAN: Yes.

MR. HILLIARD: And as far as my threatening the president, this is a violation of my First Amendmant right. I did not threaten the life of the president. In the context of a speech that I made, I stated very emphatically that we would kill anyone that stands in the way of our freedom and, of course, the newsmen and the news media is another instrument by which the government dupes and hypnotizes the people. So the very fact that the newsmen themselves are ideological lackeys for the system, they have mouthwashed the criminal elements in the society and they have made the victims look like the criminals and the criminal look like the victim. I never said we would assassinate the president.



David Hilliard
Chief of Staff B.P.P.

MR. HERMAN: Do you feel that Richard Nixon is standing in the way of your freedom?

MR. HILLIARD: I think that anybody that picks up guns against the oppressed people or anybody that endorses programs that maintain the oppressive structure as it is, is in the way of our freedom.

MR. HERMAN: Is that Richard Nixon?

MR. HILLIARD: Richard Nixon is the chief spokesman of the American people and, if the man is not responsible for the people in government, like the FBI agencies or the local police, then he should stand up and let the American people know that he does not endorse the kind of campaigns that have been waged against the Black Panther Party.

MR. NOSSITER: Let us get this point clear. Are you saying that you were incorrectly quoted when you were quoted as saying "we should kill president Nixon?"

MR. HILLIARD: I am saying that my whole speech was taken out of context, and this is nothing new. I think that the policy that the United States has adopted is the same policy put forth by Adolf Hitler, the big lie policy. And the big lie policy is to take things out of context.

MR. NOSSITER Well, whether this statement was taken out of context or not, was it a statement that you made, Mr. Hilliard?

MR HILLIARD: It was a statement that I made in the framework of a lot of other words.

MR. NOSSITER: Right.

MR HILLIARD: So that the rhetoric as stated as joined with some other words, but I did not specifically say that we want to assassinate the president of the United States. We are not that stupid.

MR. PAPPAS: I don't want to belabor this point, but I was in San Francisco. I was at the Moratorium Day ceremonies and I heard you make the speech and, within the context of what you said, I believe it went "We will kill Richiard Nixon. We will kill anyone, any blankety-blank who stands in the way of our freedom." And it is a very simple question: Do you think Richard Nixon is standing in the way of your freedom? Number two, would you kill him?

MR. HILLIARD: I would say this: I would say that Richard Nixon is the chief spokesman for the American people. He is the highest official in this land. If Richard Nixon stands in opposition to freedom guaranteed to us under the alleged constitution, then the man is designated as enemy. But I did not and I will not here designate--I will not take the responsibility of saying assassinate anybody.

MR NOSSITER: Well, what you are suggesting, Mr. Hilliard, is that this was a metaphor, a figure of speech out in San Francisco.

MR. HILLIARD: I am saying that it was political rhetoric. We can call it metaphor. It is the language of the ghetto. This is the way we relate. Even the profanity, the profanity is within the idiom of the oppressed people. So in the context of that speech I said that and I am not going to take that back.

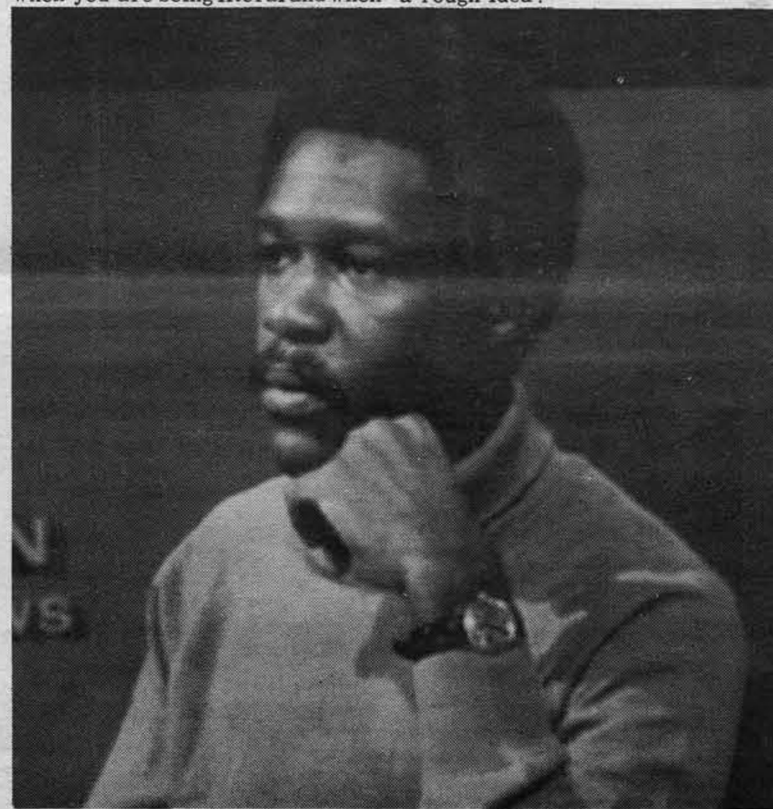
MR NOSSITER: Okay. Then let me ask you this: Is your revolutionary--are your revolutionary slogans, are these too metaphors? Is this also rhetoric or do Panthers literally believe that a violent overthrow of the government must take place in this country?

MR HILLIARD: Let's just say this: Let's say that we could have our freedom without a shot being fired, but we know that the imperialists, that the fascists on a very local level would not withdraw from the arena without violence. They have proven themselves very violent and thus far they haven't done anything to insure us our freedom. We do not ask for violence. We were in the forefront of peaceful demonstrations for peace abroad, while right here at home we are being victims of attacks day and night by the criminal agencies manifested in the police departments. So we do not advocate violence. Our slogan is that we want an abolition to war, but we do understand that in order to get rid of the gun it will be necessary to take up the gun.

MR. NOSSITER: You say that you don't favor violence, and I gather that what you are suggesting is that you only use in your view your weapons for defensive purposes. Is that correct?

MR. HILLIARD: That's right. We have--

MR. NOSSITER: All right. If this is so, then why does your party newspaper--and I see you have a copy of one in front of you--use as a repeated slogan, "kill the pigs"? Doesn't this suggest to an unwary reader, who isn't aware when you are being literal and when you are using metaphor, that indeed it is their duty to go out and kill police?



DAVID HILLIARD TALKS TO APOLOGISTS FOR PIG POWER STRUCTURE--CBS NEWS

MR. HILLIARD: There is nothing in this paper that says kill the pigs. We only advocate killing those that kill us. And if we designate our enemy as pigs, then I think that it would be justified to kill. You see, what you people do is you turn the terminology around. What you try to do is you try to make us all violent and you people all civilized and peaceful, but what we understand is that it is all right to use violence if you are using violence for a change, a change for the better. So we make a distinction between the reactionary violence manifested in this system, the main oppressor of all men and in violence used in behalf of the oppressed people to throw off the shackles of colonialism and oppression. So that violence on our part would be justified.

MR. HERMAN: But, without trying to put my own interpretation on it, let me ask you your interpretation of this quote, which I find in a newspaper attributed to you. I don't know whether it is correct or not, but let me read it to you and you can say. "We advocate the very direct overthrow of the government by way of force and violence by picking up guns and moving against it, because we recognize it as being oppressive and, in recognizing that, we know that the only solution to it is armed struggle."

MR HILLIARD: Let's say this, let's quote from your very same Constitution, where you say that: "...when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security." Now this is from the Declaration of Independence

MR. HERMAN: Are you saying that time has now come?

MR. HILLIARD: And if it is good for the American people, then we say it is good for the oppressed people of the world.

MR. HERMAN: Are you saying that the time has come when the masses of people have been pushed to the wall, when they cannot any longer redress their grievances through the legal political machinery of this country.

MR. HILLIARD: We are not the decision-makers, the masses are. If the masses think it is time to overthrow this system, then there is nothing you or the President or anyone else can do.

MR. HERMAN: How many Black Panhers are there?

MR. HILLIARD: We don't usually throw those figures around.

MR. HERMAN: Can you give me a rough idea?

MR. HILLIARD: We have about thirty chapters throughout the United States.

MR. HERMAN: That would be what, 5,000 or 10,000 people?

MR HILLIARD: It may be. It may be more than that.

MR HERMAN: Do you have the feeling that this small group 5,000 or 10,000, really represent the masses of the Black people?

MR. HILLIARD: I am saying that the ideas spelled out in our ten-point program and platform represent the basic desires and needs of the people.

MR. HERMAN: How do you know?

MR. HILLIARD: Because these are ideas taken from the masses. These are not just a bunch of abstract ideas that fell from the sky and ended up on our paper. This is a survey, what we asked for, things that were promised to us over 400 years ago.

MR HERMAN: But aren't some of these things that you have down on the paper in your demands and so forth, aren't some of them paraphrases of Mao Tse-tung and Che Guevara, rather than the Black masses?

MR. HILLIARD: There is nothing here that paraphrases per se Mao Tse-tung or Che Guevara, but the ideas, the desires asked for, the aspirations in our program are the same that all of the oppressed people in the world ask for, and that is freedom of self-determination. The ultimacy is national salvation.

MR. PAPPAS: Mr. Hilliard, there are twenty million Black people in this country and, if you say you have maybe five thousand or even ten thousand members, that still is not twenty million. How are you going to get them, the rest of the Black people, over to your side? We understand that you are have difficulty getting people to join with you in your philosophy.

MR. HILLIARD: Well, first of all, I never quoted you any figure. I told you that we had about thirty chapters. But our program is the method for our organizing people. We are organizing them around our ten-point program, a program that spells out the basic desires and needs of all people. And the very fact that the Black Panther Party is a party that relates to internationalism as the key to eradicating racism in this country shows that we are much stronger than even you imagine.

CONT. ON PAGE 15

THE PEOPLE'S FREE BREAK-FAST FOR CHILDREN PROGRAM

With a revolutionary love, the People's Committee gives to the people of Fair Haven a Free Breakfast for Children Program. The Free Breakfast for Children Programs' purpose is to feed hungry children each school morning. A free, hot breakfast is served to each child before he goes to school. It is a socialistic program designed to help all not just a "chosen few".

This, like the world, belongs to the people to use and develop, to serve their needs and desires, to make "ALL POWER TO THE PEOPLE" a reality.

SITE
35 Market Street
Fair Haven

TIME
7:00 - 8:30 a.m.
Monday - Friday
Beginning January 12

FOR TRANSPORTATION CONTACT
776-1117
Monday - Friday

DONATIONS OF FOOD, UNTENSILS, TIME, AND FINANCES ARE NEEDED

PEOPLE'S COMMITTEE
162 Spring St.
Tel. 776-1117

ALL LOVE TO OUR CHILDREN

OMAHA N.C.C.F. LIBERATION SCHOOL



Omah Liberation School

Since its opening last Wednesday, our Liberation School has definitely been functioning well. The children have been responding to instruction with much enthusiasm and eagerness. And it would be interesting to compare the responsiveness of these students taught in the people's school to the responsiveness of students in the Omaha school system. It would be further interesting to compare the attitudes of the Party members who teach Liberation to the attitudes of so many of the teachers hired by the Omaha Board of Educ. I believe it is reasonable to say that student interest is an indication of teacher interest and enthusiasm. It is my conclusion, resulting from personal observation and testimony from both students and teachers, that our Black children are generally being taught by teachers who exhibit little real concern for their students and very little enthusiasm. And these teachers lack this enthusiasm because THEY ARE DOING A JOB. They are working for a salary that is paid by an Omaha school system that is aloof from the people's control and unconcerned about the people's needs. The Liberation School instructors are enthusiastic, BECAUSE WE ARE CONCERNED ABOUT THE CHILDREN AND ARE DRIVEN BY THE NEEDS OF THE PEOPLE.

David L. Rice

ALCARAZ FAMILY TERRORIZED BY FASCIST S.F. PIGS — CHICANO BROTHER SHOT SEVEN TIMES

The story which follows is an eyewitness account of the pig riot against the Alcaraz family which occurred late Friday night, November 28, on Lisbon Street in San Francisco's Excelsior District. The incident was reported in the San Francisco mass press on Saturday, Sunday, and Monday under the titles "Mob Attacks San Francisco Police" and similar headlines. This account was written by Louise Alcaraz, the sister of Phillip, Alfonso, and Ted Alcaraz, and describes the incident which left Ted critically injured with seven pig bullets, five persons jailed, one charged with intent to commit murder, and all others charged with assaulting a police officer. The Alcaraz Family will go on trial January 14 in the San Francisco County courthouse.

After having had an enjoyable evening with friends and relatives our brothers, Phillip and Alfonso were having a family argument in the kitchen about a recent football game. They were also making plans for Saturday's soccer match in the park. Phillip was leaving to go home about 1:00 a.m. and Alfonso helped him take the kids to the car. When they reached the car they continued to argue, making gestures with their hands. Mom went downstairs to make them stop the argument.

After about 8 to 10 minutes, a police car driving up Russia Avenue, spotted the group of people (Phillip, his wife and kids; my Mother, Alfonso, Frank and Ignacio) and stopped to ask what was going on. My mom told them it was a "family matter; they are my sons and I will settle it." But the police insisted on arresting them. Phillip and Alfonso told the officers that they were brothers and that they would settle it between themselves. However, when they resisted being arrested, a fight broke out between the brothers and the police.

One of the policemen had Alfonso in a headlock. Ted, who had been sleeping on the livingroom couch was awakened by the commotion, and ran down the stairs to help Alfonso. Ted tripped on the policeman and they fell to the ground. I don't know how he happened to get the policeman's gun, but he ran across the street with it. The other policeman fired and Ted fell to the ground. The policeman continued to shoot as Ted rolled downhill--he was bleeding heavily.



ALCARAZ 'MOB' ATTACKED BY S.F. PIGS

Everyone and everything stopped after the shots. No one thought this would go so far. About four more police cars came and as the officers got out of their cars, guns in hand, they surrounded us. They were pointing their guns at us saying, "Don't anyone move."--threatening to shoot if we did.

They searched my brothers and put them against the wall. They kicked Ted and then they picked him up and slammed him against the wall to search him, despite the fact that he had 7 bullets in him and was bleeding heavily. They then let him drop to the ground again. They wouldn't let anyone near him. A neighbor came with a blanket and covered him because it was very cold and feared he might die of shock. An ambulance came and took the two slightly wounded policemen to the hospital, but not Ted. After about half an hour, another ambulance came and took Ted. They wouldn't allow anyone to go with him.

The hospital did not notify us he was there. Luckily my oldest brother, Andres, followed the ambulance and got in touch with Ted. My mother called the Ingleside Police Station and inquired about Frank (Jose) and she was told that he was there. She asked if he could be seen and they said, yes, to go ahead and come down. Ignacio, Ralph and Laura came down with Mom to the police station. As she arrived they questioned her about her identity and when they found out she was the Mother, they charged her with assault and battery on a police officer and arrested her.

We then went down to the night bail bondsman to see if we could arrange to have her released on bail. The man there called the police station to find out the amount of the bail. He was told the bail was set at "$2,500." He then called a second time and they (the police officers) had raised the bail to "$4,375."

Phillip has four kids, three boys and a girl. They were all downstairs witnessing what happened. His wife is pregnant and she was very much shocked. We feared for her health and the baby's life at the time of the incident.

Alfonso's two children Jose and Armando-- the oldest and the youngest--were also downstairs. Alfonso also has three boys and a girl.

Ted is a Viet Nam veteran. He served in the U.S. Army as a volunteer for three years and was a paratrooper in Viet Nam for one year. He has never been arrested and presently is working as a seaman.

Frank is a very popular, active sportsman at Balboa High School. He is the head yell leader and was president of his class. He is very well liked by all his teaches and classmates. He was planning to run for school president this coming year.

My mother, the head of the family, has been a widow for fifteen years. She has been under doctor's care for some time and presently is very much distressed with all that has happened.

We all feel our family name has been branded and we demand a police retraction of the statements they have issued to the press.

We also demand a public apology for all the awful things the press and police department have said about our family. We ask Mayor Alioto and the Board of Supervisors to look into the matter.

KANSAS CITY CHAPTER SERVING THE PEOPLE

The Kansas City Chapter of the Black Panther Party, in serving and meeting the needs of the people, has implemented numerous programs in the interests of the people.

The Kansas City Chapter implemented a **daily Breakfast Program** for Children which has now been taken over by workers in the community and feeds daily over 200 children.

The Party members, knowing that fascism is running rampant throughout this nation, and has even taken form in hospitals and medical clinics, implemented a people's Free Health Clinic, the Bobby Hutton Community Free Health Clinic.

In serving and educating the people, a Liberation School will start and will be open to and especially for, the people in the community, in the first part on January, 1970.

At least 800 brothers and sisters were able to eat a full course turkey dinner with all the trimmings, Thanksgiving, at the Panther sponsored, "Peoples Free Thanksgiving Dinner." Over 400 children and adults were given candy, can goods, cereal, and fruit at a Clothing Distribution Center, Christmas Eve in the Wayne Housing Projects. The Panther brothers and sisters gathered up table load upon table load of clothing and solicited food from the merchants in the community for this program.

The Black Panther Party implements these types of programs because we realize that this nation's philosophy "Of the people, by the people, and for the people" is now a joke, a ridiculous farce. The Party, in presenting these community programs to the masses of the people, strive to make POWER TO THE PEOPLE A REALITY.

ALL POWER TO THE PEOPLE
SEIZE THE TIME

BLACK PANTHER PARTY
Kansas City Chapter

ON PIGS AND ROBBERS

On October 25, 1969, at 9:00 p.m. Defense Captain Aaron Dixon, Jake Fiddler, Panther-In-Training, and Anthony Ware, Lt. of Education, entered the yet unoccupied Panther house. The house was unoccupied because the bootlicking, Black landlord at the time, had not attempted to repair the broken water pipes, broken windows, or even fix the furnace downstairs. When we entered the house, shaving cream was sprayed on the stairway leading upstairs, and on the adjoining walls. When we reached the top of the stairs we found blankets and chairs stolen, windows broken into, dishes taken and a brand new furnace ripped up from the floor and carried out of the house.

On October 29, about 1:45 p.m., a car (later learned to be a pig car) rolled up in front of the Panther office. A pig got out of the car and approached the display table. The pig having no respect or regard for the people took the paper from the table, without payment. Jake Fiddler, officer of the day, saw the pig get in his car and like the low-lifed fascist punk he is, stuck up his middle signifying. This is the usual I.Q. of most pigs.)

These two incidents show that they haven't as yet reached the level of Chicago, or Los Angeles. They are still learning here in Seattle...building their nerves. Building to the high level of fascism such as Chicago, New York, or Los Angeles, where Panthers, Blacks and other oppressed people are being shot, beaten, murdered, and railroaded through the courts everyday. People (especially Black people) must not take the actions of these pigs lightly. They are proven killers, (remember Butch Armstead, Robert Reese, Eddie Lincoln, Bobby Hutton); proven storm troopers, remember the breaking into the home of Mrs. Bible, in which she and her children were brutalized by fascist pigs.

Judging from the talk from brothers in the street, the pigs are arresting brothers as they have in the past, only now at a most alarming rate, holding them for five or six days (sometimes longer) at a time and later released. I don't have to write an essay on what's going to happen to Black people in Seattle and in the nation if they don't get together. The "Conspiracy" trial should testify to that fact. The people being railroaded on that conspiracy charge represent a whole cross-section of the American people, and with Chairman Bobby Seale being chained and gagged to his chair is a preview for the mass genocide to be launched (and has begun) against Black people. And so we would end by saying to the masses of the people:

SEIZE THE TIME BEFORE THE FASCISTS SEIZE YOU!

ALL POWER TO THE PEOPLE

BLACK PANTHER PARTY
Washington State Chapter

N.Y. 21 FACES FASCIST COURT--PEOPLE HOLD MASS PROTEST RALLY

NEW YORK (LNS)-While 1000 supporters marched, chanted and rallied, police vans carrying defendants in the Panther 21 trial from the seven separate jails in which they are being kept, crawled in the back way of the Criminal Courts Building here for a hearing before State Supreme Court Justice John M. Murtagh.

Each time a police van passed the demonstrators, the call "Power to the People! "boomed from inside the truck, and each time the crowd roared the slogan in return. In the courtroom a drabber and dimmer world played its cards: Justice Murtagh, in a monotone which constitutes his "dignity" and with the insipid racism which constitutes his "authority", denied the defendants rulings which could serve to protect them from the whimsical abuses of their racist prison guards on grounds that forms no one has ever heard of or seen had not been filled out and submitted. The Criminal Courts Building is one place where paper is invariably more important than people, and where any Blackness besides the Blackness of ink gets kicked in the teeth.



PEOPLE HOLD MASS RALLY TO SUPPORT N.Y. 21

The hearing began at 2:15, Dec. 18. A solid line of marshals stood behind the defendants effectively cutting off the spectators and the press from the proceedings in the front of the courtroom. And the judge himself spoke so thinly that even the defendants were often at a loss to hear and understand what he was saying. But it was not hard to know what he was doing.

His first act in the two-hour hearing was to revoke the $25,000 bail of defendant Fred Richardson, a former officer of the Black Panther Party who is no longer a member. The security for the bail was the house of Richardson's mother-in-law and her life-savings, which she will now lose because the judge refused to grant a two-day period of grace for Richardson to return to the court.

Richardson's case is unlike the cases of the original Panther 21 in two ways: first, he is no longer a member of the Party; and second, he was not named in the original Easter-time indictment against 21 Panthers, but became the 22nd defendant when a new indictment came down Nov. 18 charging him with handing out dynamite to other defendants for their "conspiracy" to blow up department stores filled with Easter shoppers, to bomb the rare collection of flowers and shrubbery at the Bronx Botanical Gardens, and dynamite railroad tracks and police stations in the city.

Also, Richardson got a bond that was possible to post, while most of the defendants continue to be held in jail since they cannot put up the astronomical ransom of $100,000 demanded by the court. The police never got their hands on three of the Panthers and two others are being held in a Newark jail serving sentences for "robbery." (Newark -- their jailer--recently made the headlines when its mayor, three city councilmen, the corporation counsel, a municipal court judge, and the director of public works, to name a few, were arrested on charges of extortion, tax evasion, bribery and fraud.)

Richardson is the only defendant to skip bond in the case, but D.A. Joseph Phillips argued against all legal precedent (which says that the actions of one defendant cannot be used to prejudge any other defendant), that the judge should consider Richardson's absence in fixing bail for Lee Roper and William King, two Panthers arrested in November in Columbus, Ohio. The judge did the D.A. one better and refused to set bail at all after mumbling something about "affidavits."

Sanford M. Katz--defense counsel along with Gerald Lefcourt, William Crain, Robert Bloom, Neil Fabricant, and counsel Wm. Kunstler, who is still in Chicago for the Conspiracy trial--asked the judge to quash 21 counts in the 30-count indictment because they are "defective." Example: one of the counts alleges that all 22 defendants carried and possessed one specific bomb on one day. When the judge found nothing absurd in the charge, one defendant jeered, "That's right. We all had a hand on it--44 hands!"

Murtagh ordered the defendants to shut up, and made a speech about the "law" and what it was designed to permit and what it was designed to prohibit. "Your law is why we're in jail for all these bulls--t charges," came the response. "Black people haven't had anything to do with the making of your laws, Your court has no authority!" The defendants were angry and defiant comments competed with the commands of the judge for a minute or two before the defense lawyers brought other motions before the court.

The defense tried with little success to get Richard Moore out of the "hole"--a maximum security isolation cell where he had spent the previous two weeks, without shoes, without soap, without a towel, with no change of clothing, without a blanket. Moore had not been permitted to shower or brush his teeth since Dec. 4. He had been fed a restricted diet of one meal a day and deprived of all commissary, mail and visiting privileges. The reason why? A couple of weeks earlier he had been shoved into an elevator with eight prisoners, four uniformed guards, and a large serving dolly for hot food--they were packed in like animals--and Moore muttered "electronical motherf---er!" In exasperation. A few minutes later a guard attacked him and he defended himself. From then on he was kept in the "hole," without a hearing, without a trial, without any legal process taking place.

"This was no accident," argued defense attorney Lefcourt, "but part of a general plot, plan, or some scheme coupled with a nationwide attack on the Black Panther Party which has as its intention the destruction, psychologically, physically, and emotionally of every Black Panther in the United States."

"Address yourself to the legal issues," blustered the judge.

"Your honor, violations of the Eight and Fourteenth Amendments are always legal issues," replied Lefcourt, "and if the defendants are victims of such violations because they are members of the Black Panther Party... then that is a legal issue."

Murtagh's "law" doesn't like things that way, and Murtagh decided he'd figure out what to do about Moore some other time. "Defense motion denied."

As the defendants were led off at the hearing's end, they clenched their fists and shouted "Power to the People!" About 150 spectators raised their fists and shouted "Power to the People!" in return.

Murtagh didn't like that either.

NY PANTHER 21 NOW TOGETHER

Lawyers for the N.Y. Panther 21 went into Federal court last week (Dec. 22) in a move to have the 21 placed in the same institution. They have been scattered in 7 different jails throughout N.Y. Commissoner McGrath of the Correction department fought this action all the way. He charged that the defendants were extremely dangerous. When asked by one of the lawyers whether or not he had ever spoken to any of the brothers, his reply was "No," but that anyone could look at them and tell they were dangerous.". The objections were overruled and the 21 have since been transferred to 1 Court Square, Long Island City, Queens. (With the exception of the 2 sisters)

A court order to have the brothers and sisters receive Party newspapers and other relevant literature is still pending. Naturally McGrath objects to this also. He pointed out to the judge, that the word Pig is used throughtout the newspaper. Judge Tyler, replied, "I saw a football game last week between the Buckskeins and the Pigs and do not see how the word Pig can be termed inflammatory." Tyler then reserved decision.

The Panther 21 send all the brothers and sisters their revolutionary regards.



SUPPORTER SHOWS SOLIDARITY WITH N.Y. 21

ALL POWER TO THE PEOPLE
FREE THE PANTHER 21
FREE ALL POLITICAL PRISONERS
Iris Moore

ALL POLITICAL PRISON–



In the month of February there will be birthday rallies for the Minister of Defense of the Black Panther Party, Huey P. Newton.

I enclose $2.00 advance donation for a ticket to Huey Newton Birthday Benefit.

______Berk. ______L.A.

I enclose ______ for the benefit expenses.

I enclose ______ for the Huey P. Newton Defense Fund.

Chief Pig Kelly

REJECTION OF PEOPLE'S DEMANDS

The people of Kansas City, in seeing the repeated fascist storm trooper tactics that the pigs use against the people and the Black Panther Party, here and nationwide, came together and drew up a list of demands to be presented to the pig department. The people have seen the Black Panther Party's service to them and they have decided to withdraw their previous apathetic positions, and voice their disapproval.

Members of the Black Panther Party have been subjected to inhumane treatment, dawn raids and murders, etc. The people are demanding the presence of observers during searches and arrests of Panthers, at our homes or offices.

The people, knowing that pigs being the reactionary lackeys that they are, have demanded that all searches be carried out during daylight hours. Pig Kelly, Chief of the pig department, let out a funky oink when he rejected this demand of the people, and stated that searches would not be restricted to daylight hours.

Another demand included calling the Panther attorney, whenever an arrest warrant was issued for a Panther. Kelly oinked, "All citizens must consent to a legal search...It would not be reasonable to make an agreement with any group to call their attorney." This blood sucking pig doesn't understand that he, and other fascist oppressors have no rights which we, the oppressed, are bound to respect!

The people demanded that Pig Kelly and his henchmen admit to provocative harassments and killings of young Black leadership, in general, and Black Panthers in particular. Kelly stated, "We vigourously deny these charges... It would appear that such restraint by our officers can be exercised only with extraordinary self-control when the officers are confronted with language, threats and taunts which few persons outside of well trained enforcement personnel would tolerate."

Brother Pete O'Neal, Deputy Chairman of the Kansas City Chapter, stated, "The people throughout this nation saw how restrained this Kansas City pig department was...We felt the restraint in their billy clubs and storm trooper boots."

One inhabitant of the Black colony stated, "The people who signed this list of demands are a good cross section of the community who have not adopted the philosophy of the Panthers, but are concerned with the situation..." The pigs don't understand that the people, whether they agree with the Panthers stance fully or not, realize that the gestapo force tactics used by the pig force, will not be limited only to Panthers and other revolutionaries, if these tactics are not eliminated now.

Brother Pete, went on to say, "These are demands that had been set by the masses of people. They stood up, concerned...I think they (the pigs) have clearly indicated they're not interested in what the people think...If they come to our doors as they've done in the past, we'll fight!"

ALL POWER TO THE PEOPLE
SEIZE THE TIME

BLACK PANTHER PARTY
Kansas City Chapter

PEOPLE DECLARE WAR ON NIGGER LACKEYS

Members of the Kansas City Chapter, Black Panther Party, have been subjected to repeated acts of brutality, trumped-up charges, resulting in unjust arrests, and harassments by the reactionary lackeys of the power structure, the pig department.

Two nigger pork chops have escalated their repeated harassments of Panther brothers and sisters, in particular, and members of the Black colony, in general.

These two fascist lackeys, Lloyd DeGraffenried and Slyvester Winston, have been instrumental in the repeated attacks that Party



Pig De Graffnried

members and the people have been subjected to.

August 17, 1969, DeGraffenried and Winston took out their self-hate tendencies and love for fascism, as all lackeys do, on a 19 year old Black sister, Faye Perkins.

This brutal, inhumane, yet "Legalized" act of genocide, took place at a skating rink party. Sister Faye was attempting to assist her other half who was being brutally beaten by pigs DeGraffenried and Winston. These nigger pigs, being the pigs that they are, decided that they had fallen victims of an unprovoked attack by this young, unarmed, (but far from defenseless) sister. They proceeded to shoot the sister in her head. Later, the



Pig Winston

two lackey puppets said that the sister had a gun, yet investigation of the incident showed that she was, in reality, totally unarmed. (An unarmed people are subject to slavery or LEGALIZED GENOCIDE at any given moment). These two pigs, the same night, were free to walk the streets of Babylon and carry out other fascist attacks.

This murder committed by these two scum eating pigs, seemed to call on and bring forth their re-



Clive De Patten

serve reactionary tendencies.) (Pig Winston even stated later, "My goal in life is to become a better pig.") They immediately began to harass and brutalize the peoples' servants. Weeks later, six Panther brothers were delayed in their attempts to serve the people after they had stopped to fix the Panther bus. Pigs, including



Pete O'Neil

DeGraffenried and Winston, had been putting heavy surveillance on the Panther vehicle all that day. After the brothers had come to work on it, the gestapo troops swooped in. A numerous amount of patrol cars and wagons were immediately on the scene. The pigs attempted to harass and provoke the brothers and told them to get out of the street. The brothers shouted, "These are the peoples' streets. Get your gestapo forces out of our community."

The pigs took no notice of these brothers' warnings, and proceeded to beat, club, and mace them. One brother, Clive DePatten, after being taken to the pig pen, after the incident, was beaten again by at least fifteen gestapo storm troopers after he had attempted to defend himself. The brother's head was cracked wide open, yet he was refused medical treatment. The people from the community saw these tactics of the pigs and tried to assist the brothers. They were beaten and jailed also.

The people realize that the pigs make no distinction between Black Panther Party members and people of the community. The people now realize that this nation's plan to carry out acts of mass genocide has an ultimate goal of not only wiping out the Black Panther Party and other revolutionaries, but all poor and oppressed people who stand up and try to take their freedom.

Pig DeGraffenried and Pig Winston, the people are declaring war on you and are saying to you and all the pigs who oppress, brutalize and murder, in the name of "LAW AND ORDER", "We will have our manhood, we will have it or the earth will be leveled in our attempts to gain it."

ALL POWER TO THE PEOPLE

POW'S FOR PANTHERS

Kansas City Chapter
Black Panther Party

Pig Chief Kelly Exposed

The paramount concern of the Black Panther Party, nationwide, is to serve the people and educate the people. The Kansas City Chapter of the Black Panther Party in serving and educating the people; has exposed the corruptness of the power structure of Kansas City in general, and the police department under the leadership of Chief Clarence M. Kelly, in particular. The Black Panther Party's extensive investigation of Chief Clarence M. Kelly and other members of the department, have uncovered what was termed by one newsman as being, "One of the biggest bombshells to hit Kansas City in a long while."

In addition to the exposure of Kelly, also involed are state rep. Leon Jordan, also head of Freedom Inc., and William Canady, a former high ranking officer who had been



Kansas City Chapter's Office

convicted of income tax evasion.

In October, at the Green Duck Tavern, a secret tape recording of a conversation between the three was obtained. Jordan revealed on the tape that he had obtained some police reports four years ago. These reports gave rise to the fact that the former Officer Canday had given Jordan the records for "safe keeping". These records showed evidence that Chief Clarence M. Kelly had suppressed information (the records) in an effort to aid Newman in defrauding the Kansas City Life Insurance Company. The records, which were taken from Leon Jordan, without his knowledge, and were exchanged with blank sheets of paper, contained the following information:

...Chief Clarence M. Kelly authorized the suppression of records that showed that the son of (then) Major James Newman of the Police Department, James Fredrick Newman, 14 years old, committed suicide by shooting himself with a 22 caliber pistol, after he had stolen a "girlie" magazine from Crown Drug Store. The manager of the drugstore, after catching the boy and finding out who he was, threatened to tell Major Newman, the boy's father. The youth went home, tore up the magazine and threw it into a waste-basket. He then proceeded to shoot himself. The gun was fired at close range and could no way truthfully be described as an accidental death, as it was presented to the insurance company. The Kansas City Life Insurance Company paid the Newman's off with a double indeminty paym[illegible] $5,000. 000

Chief Kelly admits putting the records into his personal desk drawer (supposedly for safe keeping) after taking them out of the usual file drawers, which are supposed to be "open" files. Canady, in turn, removed the records and gave them to Jordan, also for "safe keeping". The questions that the Black Panther Party and the people are asking, is, "Why were these particular records removed from the "open" files and placed into hiding, while other records, including records of suicide cases are kept in the "open" files? "Why was this definite case of suicide made to look like an accidental death, by Kelly and Canady?"

The people are not as uninformed as Kelly and his fellow henchmen would like to think. We, the people, are not as uninformed and realize that Kelly, Canady, and others purposely defrauded the Kansas City Life Insurance Company, in an effort to obtain the money, and more than likely for various other reasons. Mr. Townley, a member of the Kansas City Life Insurance Company and also the insurance man of the Newman's, and the claim officers disagree as to the completeness of the information supplied from the police records.

A representative of the Kansas City Life Insurance Company, Mr. Gilmore, who also happens to be a member of the police board, (another one of Kelly's boys) agrees wholeheartedly, as should be expected, with Chief Kelly. He agrees that enough information, complete or not, had been presented to the insurance company. The people are not surprised at this fact because we, the people realize that Kelly has corrupt dealings with members of many organizations and businesses.

As a result of these investigations, including the exposure of Chief Kelly's dealings with the minutemen (he gave authorization to supplying the minutemen's organization and other right-wing organizations with a large amount of firearms), Brother Pete O'Neal and other Panther members have been continuously harassed and brutalized by Kelly's boys.

December 5, 1969, Pete O'Neal testified and showed the evidence that he had, concerning the defrauding and the gun transaction to the Grand Jury. Only a few hours later, Kelly's boys attacked Pete O'Neal, Tommy Robinson, Eddie Rollins, and Johnny Jacobs, after they had attempted to enter Kelly's press conference. The brothers, all Panther members were representing the Black Panther Paper, and as press representatives, they had every right to be present. But, Kelly had given his boys the order, "No Panthers allowed." The brothers were brutally beaten, clubbed and stomped. Brother Tommy Robinson had to be treated for a fractured skull and wounds of the head that required a large amount of stitches. Brother Pete and the other brothers suffered several bruises as a result of the stompings and clubbings that they were subjected to. This is an example of what happens when people who are aware of existing conditions try to make the masses of people aware.

MAKE POWER OF THE PEOPLE A REALITY!

FREE LANCE BELL

Lance Bell, warrior son, public servant, and a member of the peoples' Party, The BLACK PANTHER PARTY, is locked up in Cook County Jail without bond. The brother is facing death by the electric chair. Brother Bell was on the scene with Jake Winters November 13.

This was the day that the warriors of the Black community caught Daley's pigs committing crimes against the Black community. Lance witnessed the pigs doing their dirty work, brutalizing brothers, Larry Roberson, Jake Winters, Mark Clark and Fred Hampton.

We can't allow them to kill Lance Bell for something they did. They are the criminals, Lance is the victim. Just like you and I are victims of this oppressive capitalist society called America.

Those two pigs that were killed had no business coming into our community with machineguns, bullet-proof vests, or the shotguns that aren't legally allowed to be used in Vietnam. They are the ones



Lance Bell Political Prisoner

and terrorizing the community--in an attempt to force Black people into submission, using barbaric tactics. And Lance saw brother Jake risk his life to defend the community from those blood-thirsty criminals who stand in our way to freedom. Bell related that brother Jake defended himself brilliantly against the violence of the enemy soldiers (pigs).

Lance Bell is an eyewitness to all the s--t the pigs are trying to do to our people. He is trying to prevent Black people--you and I--from becoming the victims of the pigs' guns. Victims like Charles Cox, Linda Anderson, Charles Jackson, Wayne Black, the Soto should be indicted by that jive Grand Jury for the cold-blooded murder of 114 Black people in Chicago this year. Those pigs who we know arrest Black people and then beat them mercilessly are the ones that should be charged with aggravated battery.

But later for those pigs. We have a job to do. We have to save the life of 20-year-old Lance Bell. We have to protest and show those pigs that the electric chair is designed for pigs, not for Panthers.

Stand up for your brother that stood up for you. Do somethng, if you only spit.

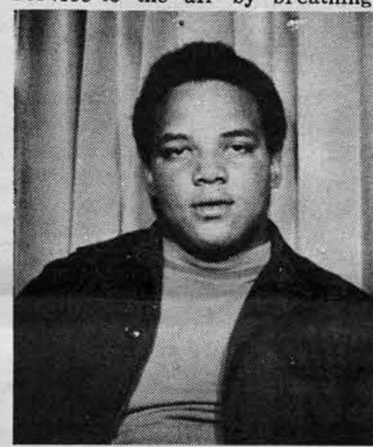
Illinois Chapter
Black Panther Party

CHICAGO PANTHER STERLING JONES MURDERED

Chicago Black Panther Party member Sterling "Pinky' Jones, 17, was murdered in the Altgard Gardens area by an unknown assailant Thursday evening, December 25, when he answered the door of an apartment.

Many questions are unanswered as to who committed the murder and why, but one thing is for sure, that by murdering Sterling Jones, a people's warrior and a people's servant was taken. This was the same person who worked in the Breakfast for Children Program, who poured his energies into the liberation of the oppressed. And the taking of his life was the highest the most despicable, and most offensive crime.

The murderer gave no warning as the door was opened but fired directly into the eye of Pinky, and then fled into the night. Such an arch-criminal insults the streets by walking them and does a disservice to the air by breathing.



Sterling Jones

People, we must learn to defend ourselves and be wary of any unknown person who comes in the night.

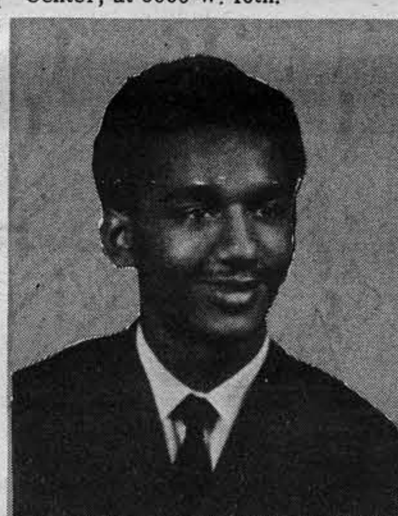
The crushing of Pinky did not crush his memory, his spirit, or the principles for which he lived, because all of those are uncrushable. He is with us as is Fred Hampton, Mark Clark, Jake Winters, Larry Roberson, Alprentice "Bunchy" Carter, John Huggins, L'il Bobby Hutton and countless others whose lives were dedicated to the struggle. Dying at the hands of the worst that humanity possessed, he was certainly the best that humanity possessed.

ALL POWER TO THE PEOPLE!
LONG LIVE THE REVOLUTIONARY SPIRIT OF STERLING JONES!

Illinois Chapter
Black Panther Party

"RIGHT ON" TO THE SPURGEON 'JAKE' WINTERS FREE MEDICAL CARE CENTER

"Service for survival." So strongly does the Black Panther Party believe this that what has resulted, besides our Free Breakfast for Children Program, is the Spurgeon "Jake" Winters Free People's Medical Care Center, at 3850 W. 16th.



Jake Winters

Dedicated on December 25, and in contrast to most goods and services rendered on that day (in that their usefulness expires the same day), the People's Medical Care Center will consistently meet the needs of the people (combat the problem of illness) this year and in years to come.

The significance of the medical center lies not only in the fact that it will be freely serving the people at a time when soaring medical expenses are becoming the norm, but also because it is an example of socialistic service--the people own and control the health clinic; consequently, it will act in their interest.

Named in honor of Spurgeon "Jake"Winters, a member of the Illinois Chapter of the Black Panther Party, murdered by a fascist pig on November 13, the center will officially open on January 4, 1970.

Ronald "Doc" Satchell (wounded and presently hospitalized as a result of a police shoot-in in which Deputy Chairman Fred Hampton and Defense Captain Mark Clark were murdered) along with other members of the Black Panther Party, is responsible for solicitation for and interior decoration of the medical center. Most of the equipment was donated.

The medical center includes four examining rooms, a pharmacy, an X-ray room, a dental room, a clerical office, and a reception area. Obstetricians, gynocologists, dentists, pediatricians, optometrists, regular medical doctors, registered nurses, lab-technicians, people's advocates, receptionists, and clerks will comprise the staff. The Center will be open Monday-Friday and also on Sunday.

The Free Medical Care Center is once again an example of what Deputy Chairman Fred has said: "The beat of the people goes on". No matter how much intimidation the Black Panther Party receives, we're going to continue to struggle against the evils of this system, one way being, opposing expensive medical care with free medical care.

ALL POWER TO THE PEOPLE!
Illinois Chapter
Black Panther Party

NOTE: Donations, equipment, etc. which are needed so that the Center can be improved, can be given by contacting the Illinois Chapter of the Black Panther Party, 2350 W. Madison, Chicago, Illinois, 243-8276. Checks and money orders are to be made out to the Free People's Medical Care Center.

LANCE BELL FACES ELECTRIC CHAIR

At 3:30 a.m., November 13, brother Spurgeon 'Jake' Winters, 19, was murdered by Chicago's Fascist Nazi Storm Troopers, better known throughout the community as Chicago's pig department, in a shoot-out where 3 pigs were killed and eight were wounded.

Brother Lance Bell , who was on the scene with Jake when these megolo-maniac m--f--ers came to the Black community to wantonly murder anyone who got into their path, was wounded and beaten.

At the present time, Lance Bell is being held in the "Cook Concentration Camp" Jail. On Monday, December 22, Lance Bell was indicted on two counts of murder, two counts of moving with an intent to kill, several counts of attempted murder and various counts of aggravated battery.

Because of his high political awareness as to this fascist, racist, capitalistic, imperialistic society and the three ways in which fascism manifests itself (avaricious businessmen, demagogic politicians, and the fascist pig cops), Brother Lance is being held in isolation from the other brothers in jail and subjected all the harassment Panthers are and have been subjected to since the formation of the Party in October 1966.

Lance Bell is now facing the electric chair on these trumped-up charges of murder, attempted murder, and aggravated battery.

We must come to the aid of Brother Lance Bell, a true servant of the people and a member of the Black Panther Party. We must not allow another revolutionary brother to be snatched from the arms of the people.

These Nazi Storm Troopers of Pig Daley have all o often run rampant in our community wantonly murdering, brutalizing, and harassing our oppressed brothers and sisters. As Point No. 7 of the Black Panther Party Ten-Point Platform and Program states: "We want an immediate end to police brutality and murder of Black people."

The racist dog policeman must withdraw from our community or face the wrath of the armed people.

We know that Brother Lance Bell is a strong, beautiful, revolutionary brother who has faith in the people and faith in the Party; we also know that he says like Brother Ahmed Evans, "The electric chair or fear of anything else won't stop the Black men of today."

ALL POWER TO THE PEOPLE!
Illinois Chapter
Black Panther Party

The Spurgeon 'Jake' Winters Free Peoples Medical Care Center, Incorporated

The Black Panther Party has been planning a Free People's Medical Center.

Ronald "Doc" Satchell our Deputy Minister of Health who is the coordinator of the center is now lying in the butcher shop (Cook County Hospital). Doc was asleep as was our Deputy Chairman and other servants of the people when Hickhead Hanrahan's fascist German style pigs vamped on the house murdering Mark Clark and Chairman Fred. These pigs running amuck through the house were trying to murder everyone there. Doc was shot five times and was in serious condition fighting for his life.

The brother is improving now and wants the Free People's Medical Center to open as soon as possible.

So, we of the Black Panther Party saw that the fascist pigs have failed in their attempt to stop the completion of the Medical Center by viciously trying to murder our Deputy Minister of Health.

The Medical Center will open the first week of January 1970. We are asking the people to come out and see just what is being done.

ALL POWE TO THE PEOPLE!

SEIZE THE TIME!

Illinois Chapter
Black Panther Party

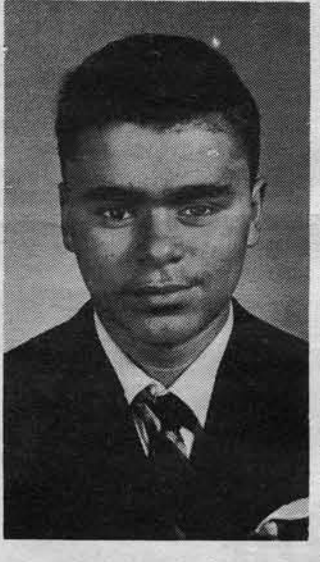
SUPPORT THE PEOPLE'S CLINICS

SPURGEON 'JAKE' WINTERS FREE MEDICAL CARE CENTERS-1 & 2

**SEND DONATIONS TO:
FREE PEOPLE'S MEDICAL CARE CENTER
c o Illinois Chapter, B.P.P.
2350 W. Madison
Chicago, Illinois - 243-8276**

FASCISM IN CHICAGO

LAST OCTOBER the wire services carried a story out of Chicago about how the cops had chased a black robbery suspect into a housing project, killed him, and, in turn, suffered ten casualties when the occupants opened up on them from their apartments with rifle and shotgun fire. You would have thought that this astounding news item would have been followed by many and long background pieces about why people would throw open their windows and start shooting at policemen.



John Soto

That didn't happen. The matter quickly dropped out of the news. Even the police appeared to have forgetten it. No snipers were arrested.

As far as anyone knows the people who wounded the police weren't Black Panthers or members of some other group whose behavior can be explained away by invoking the mythic and hysterical formulas that we use to explicate the motives of the H. Rap Browns and Eldridge Cleavers. They were just plain people, plain black people, that is, who flew to their guns to drive the police out of their not very beautiful housing project.

THE man whose death touched off this small war was named Michel Soto. He was a soldier, home on leave after a tour of duty in Vietnam. Earlier on the day of his death he'd gone to the funeral of his 16-year-old brother John who, five days earlier, in almost the same spot, had also been killed by the police.

Neither brother had a weapon, but the case of the younger brother is more puzzling yet because even after the boy was killed the authorities didn't allege he was a suspect in a crime, or that they had reason to believe that he was committing a crime, or that he was doing anything illegal. The friends of the dead brothers say they have witnesses, and they say that both of these young, black men were murdered. To date there has been no coroner's inquest, no grand jury investigation, no inquiry at all other than a Police Department determination that both killings were justifiable homicide.

YOU MAY read this and say to yourself, "They must have been mixed up in something. Things like that don't happen to people who don't get involved in something."

You're right. The Soto brothers were mixed up in something. During the weeks immediately prior to their deaths, they'd been involved in a neighborhood campaign to get a traffic light installed at an intersection of a fast street next to the project.

Over the years a number of children had been killed on this corner. In a well run community that stoplight would have been put up years ago, but not in the black slums of Chicago's West Side where the alderman is white and the people are too poor and too unschooled in the technicalities of procedure to have gained political representation. So they did the only thing they could or knew how to do: they blocked Washington street with their bodies. There were commotions and arrests, but ultimately they got the traffic signal.

The two brothers took part in these demonstrations. One of them was arrested. The people in the project say the brothers took too conspicuous a part, and thereby marked themselves out in the eyes of the police as trouble-makers.

What would you think if you lived in that neighborhood and, a month later, there were two more police killings? That's what happened. Fred Hampton and Mark Clark, the Panthers gunned down by the police, were killed in an apartment six blocks from the project. Under these circumstances you might laugh at somebody who told you Panthers are an especially dangerous breed of cats; you'd remember the Soto brothers, and you'd think it's not just Panthers they kill, it's anybody who tries to do anything to help the ghetto, who does any form of organizing, who deviates from white America's prescription for black America of dope smoking, wine drinking and welfare checking.

As long as people must lie down and die in the streets to get a traffic light, the multimillion dollar housing projects will be turned into slums and sniper nests. Every program will be resisted as alien and tyrannical. They will continue to miscarry and we will be able to nothing more than ask, "who's next?"

IT IS OF such experiences that Black Panthers are recruited, and that their platform of armed self defense is made to seem prudent and sensible.

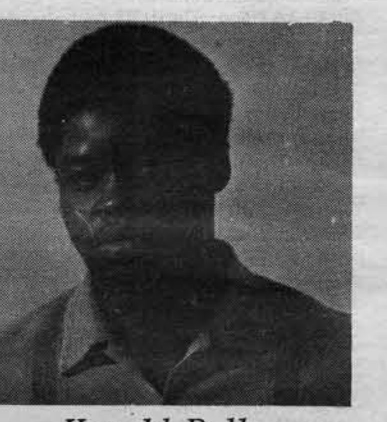
PEOPLE'S WARRIORS STILL FIGHTING



Rob "Doc" Satchell



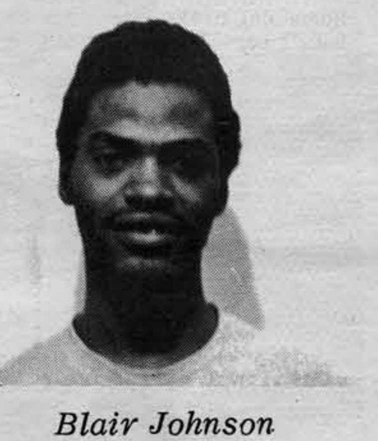
Deborah Johnson



Harold Bell



Louis Truelock



Blair Johnson

Those wounded and imprisoned after the December 4th raid and subsequent murder of Fred Hampton and Mark Clark are still waging the struggle for liberation. From the hospital bed and home bed, respectively, Rob "Doc" Satchell, 19, shot five times in the hands, stomach, and legs, and Verlina Brewer, 17, shot in the buttocks and leg, are still saying: "All Power to the People, the beat of the people still goes on."

BLAIR ANDERSON, 18, shot in the groin, the kidneys, and leg, and BRENDA "China Doll" HARRIS, 18, shot in the leg and hand, both limp, as they continue functioning in the Party office, simultaneously saying, "I'm so revolutionary proletarian intoxicated, that I can not ever be astronomically intimidated."

LOUIS TRUELOCK, 39, and HAROLD BELL, 23, both beaten while in jail and now out on bond, are yet working with the Party, their revolutionary fervor not dimmed in the least. And DEBORAH JOHNSON, 19, 8 1/2 months pregnant and who was thrown in a cold cell when arrested, still struggles.

So we can see that these are truly people's warriors who can never be defeated, but have an indestructable spirit that will always make them fight. Right on!

ALL POWER TO THE PEOPLE

Ill. Chapter
Black Panther Party

COMMUNITY SPEAKS

The people surrounding the Pine St. Community Center located at 2777 Pine St. in San Francisco, are aware and ready to move against the problems confronting our community. Panthers went out into the field (as Huey and Bobby did when initiating the 10 point Platform of our Party) and asked the people what they wanted and believed. The response varied but the complaints were the same. The wanted the same things that are in the Black Panther Party's 10 point Platform and Program, they asked for; decent housing, they want the avaricious businessmen out of our community, and they are against so-called policemen who protect property, and not the lives of the people. They are also against community imperialism, and they have a deep concern for where the children of the community are to play.

Pine Street in San Francisco is a thoroughfare for businessmen, trucks, construction workers and speeding maniacs. The children, as in all parts of the Black community, have no place to play. The landlords that charge outrageous rent fees have not included the interest of the people and their children as far as a safe place to play, and the city, run by Mafioso Alioto, buys guns for the gestapo troopers, instead of parks for the children of the community to play in.

Sani-Way Market, on the corner of Divisadero and Pine Streets charges $1.00 per box of soap powder, 45¢ for two rotten apples and 99¢ a lb. for pig fat. The brothers and sisters in the community spend their money there daily, and the children buy candy there on their way from school, only to be chased out of the store. One man told me about his wife who was chased out of the store by a rat, and yet the store owner has the nerve to talk to the people like HE owns the community and its recipients. (A petition is now being circulated and is titled, "We want and end to the robbery by the CAPITALIST of our Black community." The demands made to this store are; lower prices, weekly donations to the Free Breakfast for School Children Program, sanitary facilities, the store owner must cash welfare checks, that he hire at least one member of the community, and, that when the people shop at his store he must act like a servant of the community.

I visited one flat where 20 people live together. Decent housing fit for the shelter of human beings---that means lower rent, running water non-hazardous electricity, no more rats and roaches and a safe place for the youth to play which is another demand. This area, on and surrounding Pine and Divisadero, is supposedly a residential area. A brothers told me the other day, cars go up and down the street with no regard for the children of the community. Kids have to be kept in the house to be kept from getting hit by the businessmen on their way to work, and there are

CONT. ON PAGE 16

True Selflessness

While I was Medically incarcerated (in the hospital) at the Yale New Haven Hospital; my revolutionary sisters who are being held without bail in the oppressors dungeons at Niantic State Farm for Women, showed me what true selflessness means.

I had been admitted into the hospital on October 30, 1969 because of fainting spells. After extensive tests the doctors told me that I had a brain tumor (benign) and a bone lesion and that they were going to operate.

About a week before the operation the Area Captain Doug Miranda came to see me and with him he brought me an article of pure selflessness, a card from my sisters in Niantic. This is what my sisters had to say to me in their card:

"Don't we look bad??? Hurry up and get better, so we all can feel good"!!!
Power, Sister Peggy

Something finally slowed you down, huh, I hope its' not serious, Miss real soon! Give the power to the doctors to make you better.
Frances

Power: I hope you will be feeling better soon!! Just keep your spirits up and keep your FAITH!
Love and hope,
Rose

REVOLUTIONARIES CAN'T AFFORD TO BE SICK--
THERE'S TOO MUCH WORK TO DO,
TOO MANY PAPERS TO SELL
TOO MANY CHILDREN TO FEED
TOO MANY BATTLES TO FIGHT
TO MUCH LOVE TO GIVE...

GET WELL!
FREE ALL POLITICAL PRISONERS!

This, my Brothers and Sisters is what I call true selflessness.. These sisters are not sitting in their jail cells shedding tears about their misfortune; no, far from it. They are waging a tireless struggle in the fascist dungeons and they are serving and loving the people and their comrades; they are concerned about the well being of their comrades and the people. And we can learn a lesson in selflessness from them.



Verna Hampton

you a lot, so get well soon.
To my Revolutionary Sister
Love, Ida

All I can say is that you gotta get out of there and be well again cause we need you, the Panther 21 needs you, Huey needs you, Bobby needs you, the people need you... the struggle needs you!
Long Live the People Struggle
Love ya, Ericka

When you get better come on down to the courthouse and give us some of that spirit you have. We'll be glad to see you up and around again

ALL POWER TO THE PEOPLE!

FREE ALL POLITICAL PRISONERS!

POW's FOR PANTHERS!

Verna Hampton
New Haven Chapter

COUNTER-ATTACK

For 400 years Black people here in Babylon have suffered every conceivable type of barbarous atrocity, torture, brutality and murder. There have always been members of the Black community who have resisted with implacable fortitude. During the days of overt slavery there were many slave revolts. The most famous of these was led by Nat Turner. These were counterattacks. These were self-defense measures to attempt to put an end to the daily sufferings at the hands of the slavemaster and his lackeys.

Today in Babylon some Black people are still resisting with implacable fortitude. Since 1964 there have been over 400 rebellions in Black communities all across Babylon. In 1966 Huey P. Newton began to organize the implacables into the Black Panther Party. Our Minister of Defense, Huey P. Newton, recognized that the means of resistance used by the masses indicated the desire to put an end to the brutality, murder and deprivation perpetrated against Black people, by any means necessary. Huey P. Newton also recognized that the tactics used by the masses were incorrect and that after the rebellions were over and a tally was taken, Black people suffered more losses in lives than the racist power structure did in material damage. Under the leadership of our Minister of Defense, Huey P. Newton, the Black Panther Party set out through literature and activities to teach the masses the correct strategic methods for resistance. Comrade Huey P. Newton said, on July 3, 1967, in his essay "In Defense of Self Defense," that: "the Black masses, recognizing the implacables in the depths of their despair, responded magnetically to the implacables and bestowed a devotion and loyalty to them that frightens the oppressor and endorsed spokesman into a panic-stricken frenzy, and they leep into a rash act---murder, imprisonment, or exile---to silence the implacables and to get their show back on the road.

An examination of the history of the Black Panther Party indicates the genius of Huey P. Newton and his analysis of our present situation. Our leader and Comrade, Huey P. Newton is in prison serving 1 to 15 years for manslaughter after an attempt was made on his life; Bobby Seale, the Chairman of the Black Panther Party, was sentenced to 4 years in prison for demanding his right to counsel as defined by the 6th amendment to the constitution; Comrade Bobby Seale is also facing murder charges in Connecticut where they want to put him in the electric chair; Eldridge Cleaver, the Minister of Information of the Black Panther Party, was forced into exile after Bobby Hutton was murdered ---and Eldridge was wounded; David Hilliard, the Chief of Staff of the Black Panther Party, is facing trial to defend himself against 2 counts of attempted murder and 2 counts of assault on a police officer stemming from the same encounter. Also David was recently arrested by secret service agents and charged with threatening the life of the President (that rat, Nixon); Emory Douglas, the Minister of Culture of the Black Panther Party, is facing 5 to life imprisonment if convicted of charges of assault on a police officer when Emory was himself attacked in a San Francisco court; Don Cox, Field Marshall of the Black Panther Party charged with 2 counts of assault on a police officer with a deadly weapon (each count carries 5 to life) also recently arrested on federal charges stemming from the same case. These are some of the charges of the members of the Central Committee. There are approximately 300 Black Panther Party members, political prisoners, being held in prisons and jails all across Babylon, some facing the death penalty and/or life imprisonment, the N.Y. 21, the Connecticut 14, the Chicago 16, etc., etc., etc. There have been 28 Panthers murdered, Bobby Hutton, Alprentice "Bunchy" Carter, John Jerome Huggins, Fred Hampton, "Toure" Pope, just to name a few.

Since the Black Panther Party was organized by our leader, Comrade Huey P. Newton, in 1966, hundreds of Black people have been murdered all across Babylon and thousands have been imprisoned. It is time to intensify the struggle. We must broaden our self-defense tactics and COUNTER-ATTACK. "We must destroy the machinery that is enslaving the world. The oppressor must be harassed until his doom. He must have no peace by day or by night." Our Chief of Staff was perfectly right in saying, we will kill anyone who stands in the way of our liberation and that goes for Richard Nixon and his mama. A re-examination of history will show that only those people who have fought and killed have liberated themselves.

"Any slave of natural death who dies cannot balance out to two dead flies." If we are not willing to COUNTER-ATTACK, to kill and to possibly die, then we must accept whatever fate the racist, fas-



D.C. Field Marshal B.P.P.

cist U.S. power structure decides to bestow upon us. We don't have time to abstract our situation. Looking at the events of today the only reality is the gun and COUNTER - ATTACK. Power yields nothing without a demand. And when we see that the power used by the racist to subjugate us and relegate us to the lowest rung on the ladder is the gun, then it will be with the gun that we will sweep the obstacles out of our way and put the power in the hands of the people and gain our liberation. The motto of the Black Panther Party is: "We are the advocates of the abolition of war. We do not want war. But war can only be abolished through war. In order to get rid of the gun it is necessary to take up the gun." Our leader Comrade Huey P. Newton says; "When a mechanic wants to fix a broken-down car engine, he must have the necessary tools to do the job. When the people move for liberation, they must have the basic tool of liberation; the GUN. Only with the power of the GUN can the Black masses halt the terror and brutality perpetrated against them by the armed racist power structure; and in one sense only by the power of the GUN can the whole world be transformed into the "earthly paradise dreamed of by the people from time immemorial."

IT'S TIME TO INTENSIFY THE STRUGGLE!
COUNTER-ATTACK!
D.C.

16 YEAR OLD STAMFORD BROTHER MURDERED BY PIG

On December 11th, 1969, at about 6:35 p.m. 16 year old Andrew Johnson of Stamford, Connecticut was shot to death outside of Selleck Package Store by a member of the racist Stamford Pig Department.

Andrew and his 14 year old brother John walked up to the package store and went inside (according to the Pig Dept.) and tried to hold up the store. One squad car with two pigs in it watched them go into the store, and a bit later, left the store unarmed. One of the pigs was a Black pig from the Stamford community named Ralph Geter. The other pig's name is Joseph Ligi. When the two young brothers came out of the store, Geter fired two shots which he claimed were warning shots. The witnesses said he fired at Andy and missed. The other pig was about four feet from Andy and he shot once and hit the brother in the neck. Pig Ligi then ran over to the brother and picked him up, banged him against the wall of the building, and put handcuffs on him. The brother, Andy, fell down bleeding and the pig picked him up and banged him against the wall again.

Andy's brother John was grabbed by Lackey Geter and thrown against the store. John kept shouting to the pigs: "Don't kill my brother." Pig Ligi then dragged the wounded brother into the store owner to be indentified, and then he threw him into the squad car. Andy died from bleeding to death at the scene of the shooting. The witnesses stated that the pigs held him there for over half an hour as he bleed to death, and they never even bothered to call an ambulance. The pigs then took Andy's 14 year old brother John to a detention center or jail in Bridgeport.

Some members of the Black community witnessed the murder of Andy and saw his 14 year old brother taken away to jail. Like the reaction of the people to the Black Panther Party in Chicago when Deputy Chairman Fred Hampton was murdered, the Black community in Stamford became unified overnight.

Several hundreds of the people from the community went into the Mayor's office and demanded that Pig Ligi (the murderer) be removed from the pig force and an immediate investigation be held with at leat five Black people from the community on the investigation board.

On December 12th, about five members of the Black community from Stamford came to New Haven to the Black Panther Party Information Center and asked that some of us come to Stamford to talk to the brothers and sisters to keep them from having a riot. They realized that the brothers and sisters would just get shot by the pigs if they had a riot in the streets. Myself and another Party member went to Stamford that night to talk with the people there. We found that some of the people in the community had gotten together and written out a list of demands and a boycott plan for the city. We talked with the brothers and sisters and they agreed that rioting wouldn't solve any problems. They then sat down and drew up a Community Control of Police Plan to bring before the city power structure.

Los Angeles, Chicago, Denver, Detroit, Stamford, and many other cities in Babylon are experiencing the rapid move by the pigs to fascism. But with each brutal act by the pig, the people are moving to deal with these fascists.

WE HAVE FAITH IN THE PEOPLE AND WE KNOW THE PEOPLE WILL HAVE A REVOLUTION TO FREE THEMSELVES OF OPPRESSION.

ALL POWER TO THE PEOPLE

BLACK PANTHER PARTY
New Haven Branch
Sonny Miller

REVOLUTIONARY AC
AND COM

I am a political prisoner; in fact, I have been kidnapped and that's a crime committed against me.

For Black students the significance of this lies in understanding the difference between a political prisoner and a criminal, and to understand this difference is is to understand an important aspect of the history of Black people in this country.

Generally the political prisoner's ideas relate to the need for freedom of the people at large and demand an end to their oppression and exploitation. A political prisoner's ideas then challenge the very premises of the state itself; in this case, the function and purposes of capitalist America. The state-all its institutions and structures-is the instrument whereby the ruling class maintains its economic power, which is its power to oppress the people, all people-Blacks, Latinos, Orientals, poor Whites, Indians, what have you.

A political prisoner challenges these very foundations of the state itself. And that is why he is arrested. He is arrested because his ideas and actions challenge the state at its roots, challenge its power to repress, exploit and murder.

If you look over the history of America you find its political prisoners have been arrested and persecuted because they have supported and led the people's struggle-Nat Turner, Toussaint L'Ouverture (who liberated Haiti and rotted in a French prison), Indian chiefs who were locked up on reservations and brothers like Huey P. Newton, David Hilliard, and Eldridge Cleaver.

America is a capitalist country, which is to say it is built on the idea of a handful of individuals exploiting the people for profit, owning the properties, the goods, the resources which belong to the people themselves and from whom they were stolen. To struggle against capitalist exploitation and its racism and class oppression is to be a revolutionary.

To be a revolutionary is to be an enemy of the state.

To be arrested for this struggle is to be a political prisoner.

A so-called "criminal" on the other hand is different from a political prisoner. A man becomes a so-called criminal because the state has not met his needs but oppressed, exploited and brutalized him from the very beginning: no jobs, no food, no clothing, no land, no housing, no freedom, no power to determine his own existence.

The difference is that the criminal does not understand that his enemy is the state itself, despite his lurking revolutionary consciousness. Instead, he attacks individual people in the state, and too often they're poor and oppressed people like himself. In other words, he attacks society, not the state.

A capitalist is just a grand scale criminal, a super gangster who robs countries, peoples whole populations, instead of liquor stores.

But because the capitalists in America own, control and regulate the laws and machineries of the state, they can't be brought to justice, even though they are the real criminals and their crimes against the people are enormous, their thefts and murders running into the millions each year.

So a political prisoner is a revolutionary who has been captured by the state because he challenges its crimes against his people-its wholesale robbery, rape, and murder and oppression of the people.

Capitalist America is not responsible to the people, it is the enemy of the people. Its theory and practice are criminal, its theory and practice are lawless, because all it's interested in is theft and oppression, and that's why it does not obey its own laws. That's why the fascist rulers in this country do not obey the constitution or enforce it. Instead, they violate it.

My being kidnapped and held a political prisoner is a violation of the people's constitutional rights. It shows most significantly the open oppression that the people suffer. When the state and government move to a position of open kidnap and political arrest, then this action is no different from the fascist operations in Germany or South Africa and the semi-fascist operations of the Ku Klux Klan, in lynching a man on a tree.

This constitutional violation is really what is entailed by kidnapping, taking a prisoner illegally and against his will from one place to another, as I was and have been here. It was, in fact, actually illegal for the United States Federal Government to take me from California to the Chicago trial in order to railroad me.

So, I think the laws of this country and their history in relation to Black people must be understood by Black students. Black students must understand the Dred Scott Decision in 1857, one hundred and twelve years ago. They must know the reasons for Black people being railroaded in courts-the Scottsboro case and just numerous brothers, Huey P. Newton, myself, Black Panther Party members who are being railroaded in court nowadays.

These so-called trials are nothing but a tantamount form of racism that has developed into an art of terror and murder and intimidation, of downright fascism here in America. So, I think the significance of this, as it relates to Black students, is that Black students must understand the need to move out and be more a part of the community, to educate the masses of people of the need to end the fascist, brutal war that has been going on against Black people for hundreds of years. Students must understand what fascism is and must educate our community to the fact that this is a fascist state and the fact that our community is significantly related to the world people's struggle. Students must put these two facts together in the minds of the people so that they can move and rise like a mighty storm.

Let's get to a definition of fascism.

Fascism occurs when the capitalist state is in deep economic, political and racial trouble. In economic terms, fascism is the conversion of the economy to a warfare state, developing an enormous military machine to keep capitalism from collapsing. This war machine keeps the White proletarian masses employed. And, its propaganda and practice keeps them agitated with racism. This constant racist agitation just-



BOBBY SEALE, CHAIR
POLITICAL PRIS

Appeal f
Prison

By Bobby S
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Panther Pa
Political Pris

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ACTION ON CAMPUS
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lizes the masses, castrates iberal" middle class and f color. Its plan is to bru- masses and replace what- iousnes and sense of class ght have had with racism, race war. Thus the White eople of color as its enemy pports and honors the police, , the FBI, all the fascist lack people.

middle class of bourgeois s keeps its mouth shut and use as we become more ssed by the machinery of racist oppression, they become more and more intimidated by it.

So the fascist state's plan is to be at perpetual war-internally and around the world-to keep its capitalist economy going. To do that, it gets the White proletariat on its side with jobs provided by a racist war machine and makes the systematic elimination of non-White peoples an official policy of the state. To keep the masses and the petty bourgeoisie from developing revolutionary consciousness, fascism reduces the amount of education available-especially college education-in order to increase its supply of exploited, racist workers. Having this large surplus of workers, fascist capital moves to fascisize the labor force. Since many workers are employed making war machinery for race wars, they are easy prey to racist propaganda, and once persuaded that fascism is in their interests, they will support fascist capital. Once fascist capital has fascisized labor, the two move together for the systematic destruction of Blacks, Browns, Orientals, Jews, etc. Fascist capital and fascist labor form the upper and lower jaws of a racist dog. That is fascism and that is what's happening here.

The duty on the part of the Black student is to work to educate the masses, to be one-in-one with the masses and not to just isolate themselves on the campuses. Students must understand that when people are made political prisoners like Huey and myself and many others, that we have to move forward and not backward; we have to move positively and not be intimidated by the fascist system, but to move forward and amass the people to smash it.

What I have just finished saying is, in essence, the direction that Black Students' Unions and Black studies programs on college campuses throughout the country should take. David Hilliard, Black Panther Chief of Staff, puts it in a very correct form: "Black students, BSU's and Black Studies programs must understand that the only way to get a clear understanding of what the ideology of the revolutionary movement is today is to understand the history of the Black Panther Party, and history of the BSU, the history of Black people, all historical experience; all of this, the history of the Party, the history of the struggle, the movement, presently in terms of the Black Panther Party, of the historical events of Black people being translated by way of Marxist-Leninism."

Using this philosophy that the Chinese are using, using this same philosophy that the African Liberation Front in Mozambique and Angola and other places are using, is the direction that I see here for us.

This same philosophy must be used as a means to translate our overall historical experience here in the exploitative decadent system of America.

Black studies must be seen in this fashion, but not limited to non-participation and non-action. There has to be action, so that the philosophies and theories that are brought forth, the understanding of them and their ideas, are implemented. To understand the historical experience of Black people translated by way of Marxist-Leninism is the direction that BSU's and Black studies must take on college campuses.

BSU's and Black studies programs on college campuses should understand that when we place revolutionary political programs in the community on a "for real" level, when there's breakfast for children, free clothing programs, free helath clinic programs, community control of police-which is very primary-that when we place these programs in the community, that they are real programs, and these types of programs change the community, identify the historical experience of Black people.

It's not enough for students to just sit down and be able to articulate an idea or a principle. The thing is to be able to implement it into a program and try to make it for real for the people, and in turn defend it, even when it is unjustly attacked, as many times it will be. We have to defend it. In this respect, I think it's high time a lot of BSU students stop playing with guns-some of them, not all of them. I think they must understand that the gun is for self-defense, which is a right and a human revolutionary necessity.

I think that cultural nationalism will never really give forth a precise understanding of the historical experience of Black people. The historical experience of Black people dictates that there must be revolutionary change. And cultural nationalism is not a changing operation. To try to customize some particular types of arti-facts or symbols is to really stagnate a people's political and revolutionary development. That is why Huey P. Newton says that the only culture we are holding on to is the revolutionary culture-a culture that changes in direct relation to the revolutionary advance and progress that the people make against the exploiting, racist capitalist system.

It is necessary that the Black studies departments and BSU's understand the need for revolutionary culture and relate as revolutionaries and place forth the revolutionary ideology by putting it into practice in the communities. For example, there are many writers needed for the Black Panther Party paper, but many of them just won't even send in a little article. We know a lot of Black writers are scared of guns and things like that, but it's not necessary to run around in fear of the fact that to relate to the people in this manner means to defend the struggle and the people's struggle and one's self.

What you have to do is not let any fear overcome you, nor any intimidation of the pig power structure. Many of you students have demonstrated on campuses. But you must relate to the community more. The campus is not separable from the community. BSU's and Black studies programs have to function both from an ideological level and from a very practical, practicing level. You are in the community and part and parcel of the community and never separate yourself from the community.

POWER TO THE PEOPLE!
Bobby Seale
Chairman, Black Panther Party

Kim Il Sung on the Question of Firmly Establishing 'Juche' and Thoroughly Implementing the Mass Line



Kim Il Sung

All our victories and successes in the socialist revolution and building of socialism are attributable to the Marxist-Leninist leadership of our Party and to the heroic struggle of our people for the thorough implementation of the Party's lines and policies.

What was most important for our Party in giving correct leadership to the Korean people in their revolutionary struggle and construction work, was to establish Juche firmly.

The establishment of Juche means holding fast to the principle of solving for oneself all the problems of the revolution and construction in conformity with the acutal conditions at home, and mainly by one's own efforts. This is the realistic and creative stand, opposing dogmatism and applying the universal truth of Marxism-Leninism and the experiences of the international revolutionary movement to one's country in conformity with its historical conditions and national peculiarities. This is an independent stand of discarding dependence on others, displaying the spirit of self-reliance and solving one's own affairs on one's own responsibility under all circumstances.

The Korean Communist are making a revolution in Korea. The Korean revolution is the basic duty of the Korean Communists. It is obvious that one cannot make the Korean revolution if he is ignorant of or removed from the realities of Korea. Also, Marxism Leninism can be a powerful weapon of our revolution only when it is linked with the realities of our country.

Masters of the Korean revolution are our Party and our people; the decisive factor in the victory of the Korean revolution is also our own strength. It is clear that one cannot make a revolution by relying on others, and that others cannot make the Korean revolution in our stead. International support and encouragement is also important in a revolution, but most important of all in advancing the revolution and bringing it to a victorious conclusion are the endeavours and struggle of ourselves, the masters.

In the world, there are countries big or small and parties with long or short records of struggle. Nevertheless, all parties are fully independent and equal and, on this basis, co-operate closely with each other. Each party carries on its revolutionary struggle in the specific circumstances and conditions of its own country by so doing it enriches the experience of the international revolutionary movement and contributes to the further development of this movement. The idea of Juche conforms to this principle of the communist movement, and stems directly from it.

The problem of establishing Juche has acquired special importance for the Korean Communists owing to the circumstances and conditions of our country and the complexity and arduousness of our revolution. While resolutely fighting in defence of the purity of Marixism-Leninism against revisionism, our Party has made every effort to establish Juche in opposition to dogmatism and flunkeyism. Juche in ideology, independence in politics, self-sustenance in the economy and self-defence in national defence–this is the stand our Party has consistently adhered to.

Our Party, holding fast to the principles of Marxism-Leninism, studies and analyzes the realities of Korea and, on this basis, determines its policies independently. We boldly carry out, unrestrained by any existing formulas or propositions, whatever conforms to the principles of Marxism-Leninism and the realities of our country.

We respect the experiences of other countries, but always take a critical attitude towards them. So, we accept experiences beneficial to us, but reject those which are unnecessary or harmful. When introducing the good experience of another country, we remodel and modify it to suit the actual conditions of our own.

Our Party has always maintained the independent stand in its approach to the international communist movement, expecially in the struggle against modern revisionism. We are resolutely fighting against modern revisionism, and fight is conducted invariably on the basis of our own judgement and conviction and in conformity with our actual conditions. We consider that only by keeping such a stand can we correctly wage the struggle against revisionism and make substantial contributions to the defence of the purity of Marxism-Leninism and the strengthening of the unity of the international communist movement.

If one fails to establish Juche in the ideological and political spheres, he will be unable to display any initiative because his faculty of independent thinking is paralyzed, and in the end he will even become unable to tell right from wrong and will blindly follow what others do. One who has lost his autonomy and independence in this way may fall into revisionism, dogmatism and every description of Right and "Left" opportunism and may eventually bring the revolution and construction work to naught.

In our country, too, at one time there were persons among the leading personnel who had been infected with dogmatism and flunkeyism. They did no small harm to our work. The dogmatists did not study our realities and disregarding them, sought to swallow undigested the experience of others and copy it mechanically. Persons of this sort, looking up only to others and accustomed only to imitating what they were doing, slid down in the end to national nihilism, from which all that is their own is disparaged and everything foreign is praised. Such a tendency was most seriously revealed on the ideological front. The dogmatists, instead of studying, explaining and giving publicity to our Party;s policies, merely echoed other people like parrots. They even went the length of denying our people's history of struggle and revolutionary traditions. They attempted to paralyze the creative initiative of our scholars in scientific research work, teach to the students what they had copied from others in education too, and to discard all that is national and disseminate only foreign things in literature and the arts as well.

In our country the harmfulness of dogmatism was most strikingly revealed during wartime. It became all the more intolerable in the postwar period when the socialist revolution and the building of socialsim proceeded apace. Moverover, in that period we came to realize gradually that the revisionist trend infiltrates through the medium of dogmatism.

In view of this, our Party in 1955 set forth the definite policy of establishing Juche and ever since then it has conduted a vigorous ideological struggle to carry it through. The year 1955 marked a turning-point in our Party's consistent struggle against dogmatism. In fact, our struggle against modern revisionism that had emerged within the socialist camp began at that time. Our struggle against dogmatism was thus linked up with the struggle against modern revisionism.

It was most important in establishing Juche to strengthen the study of Marxism-Leninism among the cadres and Party members and, at the same time, to equip them firmly with the ideas of their own Party, the lines and policies of their own Party. We have energetically conducted ideological work among the cadres and Party members so that all of them may think in the way the Party would like them to, make a deep study of the Party's policies, work in accordance with these policies and devotedly strive for their implementation. Our experience shows that when the Party's ranks are firmly united ideologically and organizationally, dogmatism can be overcome, the infiltration of revisionism can be prevented and all work can be executed successfully in line with the Party's intentions.

At the same time, we decisively intensified, among the entire Party membership and working people, the study of our country's past and present and our people's revolutionary and cultural traditions. We saw to it that in all sectors of the ideological front including science, education, literature and the arts, the things of our own country are given priority, the national traditions are honoured, fine national heritages are inherited and carried forward, and the advanced culture of other countries is assimilated too, not by swallowing it whole but after thorough digestion.

These measures have greatly boosted the national pride of our people and their spirit of independence, and led them to reject the tendency mechanically imitating things of others and endeavour to do everything in conformity to the actual conditions at home. As a result of the establishment of Juche science and technology have been advanced with great rapidity, qualitative changes have taken place in education and in the work of training cadres; and a new, socialist national culture, congenial to the life and sentiments of our people, has come into bloom and developed.

While establishing Juche in the ideological and political spheres, our Party has, in the economic sphere, held fast to the principle of self-reliance and the line of building an independent national economy.

Absence of the spirit of self-reliance leads one to loss of faith in one's own strength, to making little effort to mobilize domestic resources, and accordingly failure to carry out the revolutionary cause. We are carrying on the revolutionary struggle and construction work with a determination to make the Korean revolution by our own efforts and build socialism and communism in our country by our labour and with our domestic resources.

Needless to say, we fully recognize the importance of international support and encouragement and consider foreign aid a ~sity. But we reject the erroneous ideological points of view and attitude of slackening up one's own revolutionary struggle, merely hoping for a good international chance to offer itself, or making no effort oneself, merely turning to other countries for aid. Both in the revolutionary struggle and in construction work, self-reliance should be given primary importance, support and encouragement from outside should be regarded as secondary. Only when one struggles in this spirit, can one expedite the revolution and construction of one's own country to the greatest possible degree and also contribute to the development of the international revolutionary movement.

During the period of the postwar rehabilitation our country received from fraternal countries economic and technical aid amounting to some 500 million rubles (550 million dollars). This, of course was a great help in our rehabilitation and construction. But in those days too, we put the main emphasis on enlisting the efforts of our people and the domestic resources to the full. And, at the same time, we endeavoured to make effective use of the assistance given to us by the fraternal countries too. In actual fact, it was our own efforts that played the decisive role in the postwar rehabilitation and construction. There is no need to make further mention of our country's achievements in economic onstruction in the subsequent years.

We have thus, on the principle of self-reliance, laid the solid foundations of an independent national economy.

Economic independence is an indispensable requisite for the building of an independent state, rich, strong and enlightened. Without building an independent national economy, it is impossible to ensure the firm political independence of the country, develop its productive forces and improve the livelihood of its people.

Socialism means the complete abolition of national inequality along with class exploitation, and requires the all-round development of economy, science and technology. It is therefore natural that a socialist economy must be an independent economy developed in a comprehensive way.

We by no means oppose economic co-operation between states or advocate building socialism in isolation. What we do reject is the big-power chauvinist tendency to restraining the independent and comprehensive development of the economy of other countries and, furthermore, to placing their economy under one's own control, by using the pretext of "economic co-operation" and "international division of labour." We consider that co-operation should be based on the building of an independent national economy by each country, and that this alone makes possible the steady expansion and development of economic co-operation between states on the principles of complete equality and mutual benefit.

Today our country is developing its economy by relying mainly on its own technique, its domestic resources and the efforts of its own cadres and people; it is supplying the domestic needs for heavy and light industrial goods and agricultural produce mainly with its domestic products.

As for our country's economic relation with other countries, they are those of filling each other's needs and co-operating with each other on the principles of complete equality and mutual benefit. These relations find expression in foreign trade and in various other ways.

Having laid the solid foundations of an independent national economy, we have come to possess our own economic basis for increasing the wealth and power of the country and radically enhancing the people's livelihood, and have become able to further expand and develop economic co-operation with other countries. Our economic independence also constitutes the reliable material basis for guaranteeing the country's political independence and strengthening its defence capacities.

Along with the establishment of Juche, the thorough implementation of the mass line has been one of the most important questions in our Party's leadership in the revolution and construction work.

Considering that the decisive guarantee for the acceleration of the socialist revolution and the building of socialism consists in enlisting all the creative energies of the masses of the people and offering full scope for their enthusiasm, initiative and talents, our Party has consistently held to the revolutionary mass line in all its activities.

Our Party has been able to achieve tremendous successes in the socialist revolution and the building of socialism by relying on the high revolutionary zeal and inexhaustible creative power of our people who, grasping their destinies in their own hands, are out to build a new life. Whenever it encountered difficulties and ordeals, the Party, placing faith in the masses of the people, consulted with them and enlisted their efforts and wisdom in overcoming these difficulties and ordeals.

We have also successfully carried out many huge and difficult construction projects by unfolding a mass campaign. The let-machine tool-make-machine-tools movement, the building of local industry factories, large-scale nature-remaking projects for irrigation, and the rehabilitation and construction of towns and villages which had been reduced to ashes –all these were carried out through mass campaigns, through all-people drives.

In our country, science and technology are also developing rapidly as a mass movement, through the creative co-operation of scientists and technicians on the one hand and workers and peasants on the other. Literature and the arts are also flowering resplendently with every passing day through the combination of the activities of professional writers and artists with the literary and art activities of the broad masses.

The method of relying on the masses and rousing them widely to activity is a revolutionary and positive one. It is a method that makes it possible to mobilize all the potentialities and possibilities to the full in the revolution and construction.

The Marxist-Leninist Party must at all times thoroughly implement the mass line, both before and after seizing power, both in the revolutionary struggle and in construction work. And the danger of going back on the mass line increases after the Party has seized power. Upon its founding after liberation, our Party assumed the leadership of the government. Many of our functionaries had little experience in the revolutionary struggle and mass work in the past. For this reason it was particularly important for us to improve the method and style of work of the functionaries so as to implement the mass line.

Our Party has waged a vigorous ideological struggle to eliminate bureaucracy and establish the revolutionary mass viewpoint among the functionaries. The Party has made tireless efforts to get all the functionaries to acquire the revolutionary method of work of going deep among the masses, consulting with them, deriving strength and wisdom from them and mobilizing them to solve the t asks set before them.

The method of work, called the Chongsan-ri method in our country is an embodiment and development of our Party's mass line in conformity with the new realities of socialist constructions. The es-

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No On Riot Control

GI GETS TWO YEARS HARD LABOR

Ft. Hood, Texas (LNS) -- Richard Chase, 26, was sentenced to two years hard labor in a Kangaroo Court-Martial here Decmeber. 20 for refusing to participate in "Operation Garden Plot", the army's sick euphemism for riot control training. The five member officer jury disregarded the defense argument that Chase was denied access to the forms needed to apply for official Conscientious Objector status and "deliberated" 1/2 hour before returning the guilty verdict.

Ft. Hood is the largest Armored Post in the United States. Since most of the GIs here are recently back from Vietnam, it serves as a priority riot control center. The military' commad thinks that once GIs have been forced to wage war against people fighting for liberation in Vietnam, they will easily adapt to fighting against people's struggle's in this country.

The history of resistance to riot control at Ft. Hood proves the army is mistaken. The Ft. Hood 43 (43 Black GIs who refused to go to Chicago for the Democratic National Convention in August, 1968) is the most widely known example. Other opposition ranges from turning army-staged mock riots into GI rebellions against the brass--complete with barrages of water balloons, eggs and sacks of flour--to disrupting indoctrination classes. Richard Chase's case is part of the continuing GI resistance to riot control at Ft. Hood.

In January 1969, Chase was assigned to Headquarters Company 1/66th, where he informed his 1st Sgt. and Company Commander that he was a Conscientious Objector and would not participate in riot control training. He was given "unofficial C.O. status" and became the company clerk. When Chase asked for the official C.O. application forms he was given only a blank sheet of paper.

In June, Chase started coming to the Olio Strut, the GI coffeehouse in Killeen, and talking to guys in his company about racism and the war in Vietnam. He helped organize a petition campaign with fellow GIs to secure the right to distribute literature on post, and the right to be free from "shakedowns" (illegal search and seizure). Soon after he began to work on Fatigue Press, the GI newspaper here.

Throughout the summer, Chase increased his political activity and his opposition to the brass. By August he was refusing, as comapny clerk, to process any Article 15s (the lowest form of military punishment). Chase's commanding officer avoided any hassle by giving him anther job.

Other forces besides a commanding officer's desire to avoid a political confrontation soon came to the fore. On Sept. 11, Chase refused the direct order to participate in riot control training, saying, "I will not be used to crush movements I support." Chase had developed into what the Army hates and fears most, a politically aware and active GI. It was time to get him. His company commander, after consulting on at least the battalion level, informed Chase that he would face a General Court-Martial and a possible five years in Leavenworth. Chase went into the stockade on October 18 for pretrial confinement.

One week later he was placed in solitary confinement for 10 days and was beaten by guards on four separate occasions. Chase was back in solitary again November 29 and stayed there until his trial began on December 18. During his incarceration Chase was denied access to attorneys and his mail was stopped.

The army tried and convicted Chase on the weekend that most GIs were splitting for the Christmas holidays. The court refused the defense motion to move to a larger room so that Chase's remaining supporters could be present. The army strategy for Chase's speedy "trial" was to quiet what the army prosecutor Capt. Venable termed, "adverse publicity beginning to appear on the case". It is important that the "adverse publicity" not cease until Richard Chase is free. The Richard Chase Defense Committee has already collected over 2.000 petitions from Ft. Hood GIs and civilians from across the country demanding that Maj. Gen. Wendell Coates, Commanding General of the 2nd Armoured Division at Ft. Hood FREE RICHARD CASE AND END THE BRUTAL AND INHUMAN CONDITIONS IN THE STOCKADES. They are asking for more signatures to present to Coates before Chase's case is appealed.

The appeal cannot take place until the transcript of the court-martial is available, but that should be pretty soon--the court recorder is on Chase's side and has promised to type it up as quickly as he can.

For information and copies of the petition, contact The Richard Chase Defense Committee, 101 Ave. D. Killeen, Texas, 76541.

STATEMENT OF KENNETH DUPRE

Member of ASU:

Since its inception, the American Serviceman's Union has been battling the brass who run the American Military Establishment in an effort to eliminate the gross injustices and to secure for the enlisted man our basic human rights. This incident is just another skirmish in the war against oppression.

On Friday the 5th of December, the Military attempted to shanghai me off to a war which it knows I consider both immoral and illegal. I feel that the underlying reasons for this action by the military were two fold. First of all because of my activities in organizing for the American Serviceman's Union and secondly because of my personal convictions against the war in Vietnam. It was a poor attempt to destroy part of the ASU.

They mistakenly thought that by eliminating me they could silence part of the movement. They were wrong. When I am arrested, or when I turn myself in, I will be taken out of the picture for a while, but not forever. I will continue to rap against military injustice, racism, and the war in Vietnam.

All over the country enlisted men in the Armed Forces are organizing and demanding their rights. A man need no longer stand alone in his fight against the injustices in the military.

While participating in Moratorium activities here in Hawaii during tne weekend of Nov. 14-15, I learned that my Command had placed me in an AWOL status. When I returned to the base on Monday morning some friends told me that the brass was planning to put me in the brig for "Safekeeping."

It was then that I decided to go AWOL and meet with ASU leaders in New York to discuss some of the aspects in organizing the Union.

I left Hawaii on November 20. I never made it to New York. I was arrested by Naval Intelligence in Minneapolis on Nov. 21. I was booked into Henepin County Jail for being AWOL. I was held there until Dec. 3, when I was awakened by the guards, taken out of my cell and escorted by two M.P.'s in civilian clothes to Great Lakes Naval Brig in Illinois. The next morning I was flown to Camp Pendleton, Calif. Because the brig there was overcrowded I was placed in a restricted status and had a guard placed on me. On Dec. 5 I was taken to Regimental Headquarters where I was told that I would not be returning to Hawaii to face charges and that I was going to Vietnam.

I was allowed to read an order they had from Marine Corps Headquarters in Washington. This order stated that I was to be delivered under guard to Camp Butler, Okinawa, and further that I was to be delivered under guard to the Commanding General of the 1st Marine Air Wing in Vietnam.

I immediately notified the Hawaii chapter of ASU of my situation. Exactly what happened in the next few hours I don't know exactly, except that now I know that the American Serviceman's Union had secured a Congressional Hold for me.

The Marine Corps did not inform me of this. They told me that my orders had been a mistake and that I was really going to be delivered to my Command in Hawaii. Naturally knowing how the Fascist Machinery of the Military Establishment works I did not believe them and felt that as long as I stayed there I was much too vulnerable to the brass. So I decided to leave again, make my way back to Hawaii, own and turn myself in to my Command to face charges.

My story is not a new one by any means. The Brass uses these gestapo techniques more and more often as the movement within the military grows. They go to the extreme in their attempts to silence and destroy us. They will not succeed!

We shall continue the struggle, continue to organize, and continue to demand our basic human rights!

Issued by
The American Serviceman's Union
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(212) 675-6780
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Honolulu, Hawaii

Statement by Terry Klug After Ft. Dix Acquittal

During the government's case against me the prosecution continually pressed: did I sympathize with the riot--rebellion of June 5th? Of course, I dc and I did. I had made the choice to stand with the oppressed when I was put on orders to Vietnam. Then I had to make the decision of compromising with the oppressive war machine or resisting its inhumaneness, the inhumaneness revealed by the recent exposure of the massacres in Vietnam. These recently revealed massacres are not isolated incidents, but the result of an oppressive force being used against a people struggling for liberation--those struggling for liberation in Vietnam as well as those struggling for Black liberation here, in the confines of this country, as witnessed by the cop assassination of Fred Hampton.

While in Europe, I dedicated myself to resistance inside the army (RITA). Yet I felt that working outside the U.S. wasn't enough, and I returned as an active member of the American Servicemen's Union (ASU) to fight where I felt it would be most effective--to destroy the disease where it is most aggravated.

The stockade, which in all actuality can only be viewed as a concentration camp, is an expression of the racism and the oppression by the military establishment and the system which it serves. This system deprives man of his human dignity and for precisely the same reasons was the cause of the justified rebellion on June 5th. Only up to a certain point will a man allow himself to be deprived of his humaneness; then he will rebel in order to regain those things which he has been deprived of. Almost all of the witnesses called to testify against me and those men called in my defense testified to this struggle for freedom, my own freedom, their own freedom and the freedom of oppressed people, as opposed to the slavery imposed by the green machine.

My acquital was due to the solidarity of the men, the offensive legal defense put up by my counsel, Henry di Suvero, and the political struggle waged by the antiwar movement, especially my union brothers who demanded the release of the Ft. Dix 38 on their bases.

I would at this time wish to extend my sincerest gratitude to those who in their own ways took it upon themselves to aid in my defense. This was a victory for me because of you, but there are many more political prisoners for whom we must all struggle. Absolute freedom will be our final victory!

Terry G. Klug



TOM CATLOW, TERRY KLUG, JEFF RUSSELL, BILL BRAKEFIELD OF FT. DIX 38



HUEY'S APPEAL

EDITOR'S NOTE:
The following article is taken from the appeal prepared by the attorneys defending Huey P. Newton, Minister of Defense of the Black Panther Party. Huey's attorneys have moved to have the case reviewed by the Court of Appeals of the State of California. The Black Panther News Paper will print the appeal in part--every week to give the people all the facts as to why Huey P. Newton should be set free immediately.

3. ERRONEOUS INTERPRETATION OF SECTION 1118.1 AND FAILURE TO GRANT ACQUITTAL, AT LEAST AS TO FIRST DEGREE MURDER HEREIN, WAS PREJUDICIAL ERROR.

It is obvious that one of the major reasons for the direction of verdicts prior to giving the issue to the jury is to prevent the prejudice occasioned the defendant by the jury's consideration of the more serious charge. The mere fact that the jury is given the more severe option to consider makes it more likely to find the defendant guilty of the more severe of the two lesser charges.

In the murder-manslaughter case, for example, an instruction on first degree murder, where there is no evidence to support that charge, makes the jury more likely to "compromise" and return a guilty verdict on the second degree murder charge. The prejudice is as great whether it concerns "separate" offenses or separate degrees of a crime. In a murder case, the fact that a defendant is subject to possible death leads the jury to feel it has already given the defendant a great deal when it avoids a first-degree murder conviction and that possible consequence.

The courts have long recognized the prejudice inherent in instructing the jury as to a more serious charge when there is no evidence to support it.

In United States v. Wilkins, 348 F.2d 844 (2d Cir. 1965), the defendant, Hetenyi, was charged with murder, and the jury, having been instructed on first and second degree murder and manslaughter, returned a verdict of guilty of murder in the second degree. Hetenyi appealed, the conviction was reversed, and he was retried. The same instructions were given to the jury, and this time the jury found him guilty of murder in the first degree. Once again the conviction was reversed, Hetenyi was retried, and the jury, having been again given the same instructions, returned a guilty verdict for second degree murder.

Hetenyi then brought a habeas corpus proceeding, claiming that the due process clause of the Fourteenth Amendment prohibited him from being retried for first degree murder after the first jury had found him guilty of only second degree murder. The Court of Appeals agreed, but because the prosecution urged that no relief was appropriate the third conviction was only for second degree murder. Thus, while it might have been appropriate for the court to rule in Hetenyi's favor if he had brought the action after the second conviction, there was no reason, the prosecution argued, for not allowing the present verdict to stand. In rejecting this contention, the court stated (at 864-66):

> "(T)here was a reasonable possibility that the conduct of the trial and the deliberations of the jury were affected by the fact that Hetenyi was indicted, prosecuted and charged with first degree murder...
> ...
> "The question is not whether the accused was actually prejudiced but whether there is reasonable possibility that he was prejudiced.
> ...
> "(I)t is entirely possible that without the inclusion of the first degree murder charge, the jury, reflecting a not unfamiliar desire to compromise might have returned a guilty verdict on the first degree manslaughter charge on the same evidence." (Emphasis the court's.)

Several state courts have reached the same conclusion as to prejudice in the same context as Wilkins, i.e., where the defendant, after having been found guilty of a lesser charge, is retried on a greater charge. Even though the second conviction is again on the lesser charge, these courts have held that it is prejudicial error to submit to the jury the question of guilt on the greater charge. For example, in People v. Gessinger, 238 Mich. 625, 214 N. W. 184, 185 (1927), defendant was charged with burglary, grand larceny, and receiving stolen property, and was found guilty of only the latter charge. The conviction was reversed, defendant was retried on the same three charges, and once again found guilty of only the latter charge. The Michigan Supreme Court held that the original conviction precluded the possibility of retrying defendant on the two more serious charges, and reversed the conviction because of the possibly prejudicial effect that the instructions on the more serious charges may have had. In so doing, the court stated:

> "(I)t is evident to most practitioners of experience that it would be much easier to secure an acquittal if the defendant were only charged with the lesser offense than it would be if he were charged with all three offenses. The tendency of jurors is to compromise their differences. Where there is only one charge, they are obliged to meet the question squarely by 'Yes' or 'No,' or disagree, but, where the charges are three, the juror who thinks there should be no conviction, and the juror who thinks that a conviction should be had of the greater offense is quite liable to agree upon a conviction of the lesser offense." 214 N. W. at 185.

Accord: State v. Tweedy, 11 Iowa 350 (1860); State v. Ross, 29 Mo. 32 (1859); State v. Dennison, 31 La. Ann. 847 (1879); West v. State, 55 Fla. 200, 46 So. 93 (1908).

A second line of cases has found prejudice on appeal from an initial conviction, where it is argued that there was not sufficient evidence to sustain a conviction of the more serious charge. In this type of situation the courts have held that even though the jury returned a guilty verdict on the lesser charge and the evidence supported the verdict, it was nonetheless prejudicial error to submit to the jury the question of guilt on the more serious charge. Thus, in People v. Stahl, 234 Mich. 569, 208 N. W. 685 (1926), the court reversed a manslaughter conviction even though there was sufficient evidence to support it because of the possibly prejudicial effect of the jury instructions on murder, a charge not supported by the evidence. (53) In reversing the conviction the court stated:

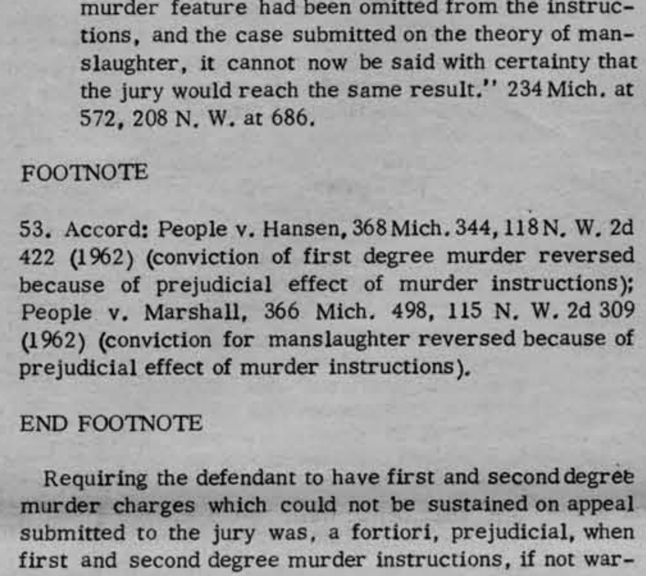
> "When 12 jurors agree on amount or degree generally there must be a composition of views. Here the jurors to determine degree were required improperly to compose their views between the major charge of murder in its degrees and manslaughter...If the murder feature had been omitted from the instructions, and the case submitted on the theory of manslaughter, it cannot now be said with certainty that the jury would reach the same result." 234 Mich. at 572, 208 N. W. at 686.

FOOTNOTE

53. Accord: People v. Hansen, 368 Mich. 344, 118 N. W. 2d 422 (1962) (conviction of first degree murder reversed because of prejudicial effect of murder instructions); People v. Marshall, 366 Mich. 498, 115 N. W. 2d 309 (1962) (conviction for manslaughter reversed because of prejudicial effect of murder instructions).

END FOOTNOTE

Requiring the defendant to have first and second degree murder charges which could not be sustained on appeal submitted to the jury was, a fortiori, prejudicial, when first and second degree murder instructions, if not warranted by the evidence, are the bases for reversal. As



HUEY P. NEWTON, MINISTER OF DEFENSE B.P.P. POLITICAL PRISONER

applied to the facts herein, the law of California required that upon his motions therefor, defendant be granted judgment of acquittal of the offense of murder at the close of the defense case and judgment of acquittal of the charge of first degree murder at the close of the prosecution's case. The court's failure to do so was the result of an erroneous interpretation of Penal Code section 1118.1 and constituted prejudicial error.

G. The Court Erred in Instructing the Jury on First Degree Murder, and on Flight, and in Refusing to Instruct on all Pertinent Defense Theories for Which There Was Evidence.

By instructing on first degree murder, the trial court, in effect, informed the jury that there was evidence which could sustain a first degree murder conviction on appeal. As there was no such evidence (see discussion under section IV, F, supra), the first degree murder instructions were erroneous and prejudicial.

The court erroneously overruled defendant's objection (54) to People's Instruction No. 20 (C.T. 276) (California Jury Instructions (Criminal), Revised Edition (1958), hereinafter, "CALJIC," No. 36, Revised), and instructed the jury on flight, although there was no evidence whatsoever as to defendant's flight. On the contrary, all of the evidence showed that defendant went to the hospital nearest to the place of the shooting, and there made no attempt to flee, even when he heard the police being called on the telephone (R.T. 2389-90).

The court erroneously overruled defendant's objections to the People's Instructions Nos. 6 (CALJIC No. 305, Revised, C.T. 262), and 7 (CALJIC No. 746, C.T. 263), as proposed, and prejudicially failed to modify them to reflect the indisputed evidence in the case. Thus, if the jury was to be instructed that murder is of the second degree, "When the killing is a direct causal result of the perpetration of the attempt to perpetrate a felony inherently dangerous to human life, such as a violation of Penal Code Section 12021, to wit: possession of a concealable weapon by a person convicted of a felony," (55) the defendant as entitled to the following addition, reflecting the evidence that he had understood the earlier conviction to be a misdemeanor: In considering whether defendant was perpetrating or attempting to perpetrate a felony, you may consider whether defendant knew or understood that he had suffered a felony as distinct from a misdemeanor conviction.

If the question is whether defendant was attempting to perpetrate the felony of possessing the concealable weapon as an ex-felon, his understanding of whether he was an ex-felon or not was relevant and material.

Similarly, with respect to the instruction on motive (People's Instruction No. 19 (CALJIC No. 35, Revised, C.T. 275)), the prosecution contended that defendant's motive was to escape apprehension as an ex-felon with a concealable weapon, to escape prosecution for possession of marihuana, and to escape double or triple punishment because of a revocation of probation and execution of the earlier suspended sentence. Subsequent to the indispute evidence (per witnesses Donald Hopkins, Melvin Torly, Joan Lewis and the defendant) as to defendant's belief that the probation terminated prior to the incident, and the indisputed evidence (per witnesses Marshall Krause, Esq., and the defendant) about the defendant's belief that the prior conviction was a misdemeanor, and the prosecution's failure to produce either the container the marihuana matchboxes were allegedly taken from or any fingerprints from the matchboxes, the defendant was entitled to a modification of the proposed motive instruction reflecting that evidence. The defendant proposed the following addition to the instruction (C.T.236):

> "If you find that defendant honestly believed his probation was terminated on October 27, 1967 and that he did not knowingly possess marihuana and that he honestly believed he had been convicted of a misdemeanor in 1964, then you are instructed that he did not have the motive the prosecution ascribed to him."

FOOTNOTES

54. Defendant's written Objections and Proposed Modifications to the People's Instructions are at C.T. 236.

55. This objection to the instruction does not repeat the argument that all use of the prior felony should have been stricken because of its constitutional infirmity. See section IV, C, supra.

END FOOTNOTES

The trial court's failure to incorporate the evidence supporting defendant's theory of the case into the motive instruction was prejudicial error. On far less evidence, that of the defendant's leaving the vicinity of the shooting and arriving in a semi-conscio[illegible] state at the nearest hospital, the prosecution's requested instruction on flight was given. If this instruction were to be proper under the evidence in this case, it required an addition instructing the jury that they might consider the defendant's condition when he arrived at Kaiser Hospital and his behavior there in determining whether or not there was flight in this case. But, whereas, the flight instruction as given, reflected as certain a state of the evidence which was quite uncertain, defendant's amply corroborated evidence refuting the facts upon which the prosecution relied for motive, was not reflected in the instruction on motive.

The question of the provocation offered by Officer Frey was critical to the case. Defendant's Proposed Instruction No. 8 (C.T. 299), properly covered the indisputed evidence as to Frey's stopping and detaining the defendant's vehicle, and properly sets forth the law as to stopping and detaining a vehicle. People v. Henze, 253 C. A. 2d 986 (1967).

Defendant's consistent theory of the case was that there was a pre-conceived plan of the Oakland Police Department to harm and harass Black Panthers. The stopping of defendant's vehicle for no other eason than that it was a "known" Black Panther vehicle, known to Frey from a list of Black Panther automobiles previously circulated by the Oakland Police Department, strongly supported defendant's theory. Defendant was, at the very least, entitled to an instruction on the law of detention

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sence of the Chongsan-ri method lies in the fact that the upper organs help the lower ones, superiors help their inferiors, priority is given to political work and the masses are roused to carry out the revolutionary tasts.

Through the popularization of the Chongsan-ri method, we have decisively improved the functionaries' method and style of work and brought about a big turn in the work of the Party, state and economic organs.

To give priority to political work is most important in bringing into full play the revolutionary zeal and creative energy of the masses of the people.

The Communists always fight in defence of the interests of the people and for their happiness. To this end, the broad masses of the people must be awakened and mobilized. One of the inherent advantages of socialism is that under the socialist system the working people, freed from exploitation and oppression, display voluntary enthusiasm and creative initiative in their work for the state and society and for their own happiness.

To carry out political work well among the masses in order to induce them voluntarily to perform the revolutionary tasts is, therefore, an effective method of work stemming from the character of the Communists and from the nature of the socialist system.

It is absolutely wrong to be immersed only in economic and technical work while neglecting political work, to lay stress on material interest only, without raising the political and ideological consciousness of the working people.

Our Party has firmly adhered to the principle of giving priority to political work in all matters.

When we undertook any revolutionary task, we began by thoroughly explaining and bringing home to all the Party members and the masses the Party's policy with regard to the task and saw that they held mass discussions about ways and means of executing the Party's policy and strove to carry it through with a high degree of political consciousness and enthusiasm. In order to enhance the class awakening and the level of political and ideological consciousness of the working people, we have also energetically carried out communist education among them in combination with education in the Party's policies and the revolutionary traditions.

Political work is none other than work with people, and it is basic to Party work. Apart from the Party's leadership, the masses cannot be mobilized, nor can socialism and communism be built. Only on the basis of enhancing the leading role of the Party and constantly strengthening Party work in all spheres, we have been able to successfully carry out the principle of giving priority to political work.

Thus, by energetically carrying on political work, work with people, which is the basis of Party work, we have been able to bring into full play the revolutionary enthusiasm and creative power of our working people and inspire them to mass heroism and to a mass labour upsurge.

The basic method our Party employs in mobilizing the masses in socialist construction is to raise the Party's leading rold and invariably give prioity to political work, combining this properly with economic and technical work, to steadily enhance the political awakening and the level of consciousness of the working people and to properly combine this with their material interest.

One of the very important problems in the carrying out of our Party's mass line was that of educating and remoulding the masses of all strata and uniting them solidly around the Party.

The political unity and solidarity of the people in the northern half of the Republic is not only the decisive guarantee for building a new life in the northern half, but also it is one of the basic factors in unifying the fatherland and achieving the victory of the Korean revolution.

Our Party had consistently and tirelessly worked for rallying the people of all walks of life in the northern half closely around itself and for turning our revolutionary base into a stronger political force.

The protracted colonial rule of Jamanese imperialism, the partition of the country and, particularly, the sowing of discord among our people by the enemy during the war, have rendered the social and political composition of the population of our country very complex. We, however, eannot make revolution with spotless people alone, rejecting all those whose social origin and whose records of social and political life are complex.

Therefore, our Party, closely combining the class line and the mass line, has adopted the policy of winning over to the side of revolution all people, with the exception of the handful of malicious elements. Under the circumstances in which the socialist system already triumphed, the Party's strength decisively grew and the Party's authority and prestige became unshakable among the masses, we considered that we were able to educate and remould all the people, except the conscious reactionaries of hostile class origin.

We boldly trusted and embraced even those whose social origin and whose records of social and political life were complex, and ensured them conditions for working in peace, provided they now supported our Party and displayed enthusiasm in their work.

Life has fully confirmed the correctness of this policy of our Party. By carrying out the policy we have been able, and are successfully continuing, to educate and remould the broad masses of people of various strata. Although the composition of our population is complex and we are standing face to face tensely with the enemy, our Party has today united the masses of the people rock-firm around itself, and a cheerful, uplifted atmosphere prevails in our society.

The all-people Chollima movement which has been unfolded with untiring vigour in our country is the most brilliant embodiment of the mass line of our Party.

The Chollima movement is a mass drive which organically links collective innovation in economic and cultural construction with the work of educating and remoulding the working people. Through the Chollima movement all the wisdom, enthusiasm and creative energy of our people is brought into full play, innovations are effected in all spheres of economy, culture, ideology and morality, and the building of socialism in our country is greatly accelerated.

The Chollima movement is the general line of our Party in socialist construction. The essence of this line is to unite the entire working people more firmly around the Party by educating and remoulding them in communist ideas, and to give full scope to their revolutionary zeal and creative talents so as to build socialism better and faster.

We will continue to develop the Chollima movement both in scale and in depth and thus further expedite the building of socialism in the northern half of our country.

CONT. FROM PAGE 3

MR. NOSSITER: Mr. Hilliard, is your back really to the wall? Here you are on national television. Here are all kinds of moderate Black groups that have come to take up your cause, at least on the legal side. Doesn't this indicate that perhaps the society is much more responsive and much more open to legitimate demands than your rhetoric sometimes suggests?

MR HILLIARD: I don't think that television is the big payoff. We could ask for a lot of other things. More so than television, I would rather be in our communities feeding hungry children, setting up, trying to erect institutions that would educate the people, the children in our communities so that they would not have to wage a war in your name or his or this man's, or for that matter the President of the United States. What we are for is peace, and that is the ultimacy of our goals.

MR. NOSSITER: Let me go back to the gun question, if I may. If police departments the country over staffed the ghettos with Black policemen, policemen who lived in the community, would you then feel safe and would you then be willing to lay down the guns you now carry?

MR. HILLIARD: You see, you don't understand at all. First of all, we have made it clear that we don't make any distinction between Black policemen and White policemen. The police is the symbol of the state. The police's duty is not to protect the people in the community but, rather, to protect the property owned by the capitalist class, so that you have Black servants. And we don't make any distinction between the Black lackeys who are servants for the system or the White people that are servants for the system. We don't advocate an all-Black police department, because we understand that in our communities there any many ethnic categories of people living within the boundaries of the community. What we do advocate is that the people police the community, therefore they should live in the community, and that the people should have control over the local police in their communities. That is the philosophy of the Black Panther Party.

MR. NOSSITER: All right, under those conditions would you lay down your guns?

MR. HILLIARD: We would have more reason to lay them down than under the present circumstances, let's say that.

MR PAPPAS: What stage is the revolution in right now, as far as you are concerned?

MR. HILLIARD: Well, as far as I am concerned, I see the revolution still at the educational level, because the masses of the people are still being duped, still being politically deformed by the ideological degeneration put forth by the journalists and the newsmen.

MR. PAPPAS: Do you have a timetable?

MR. HILLIARD: Well, revolutions are not blueprinted; what are you talking about?

MR. PAPPAS: Well, you are trying to build a popular base now, is that right? You need support?

MR. HILLIARD: What we are trying to do is we are trying to wage a mass educational campaign. We recognize before any revolution, there has got to be education. But I would like to say that there is no blueprint for the revolution. We are prepared to struggle forty, fifty years, however long it takes.

MR. PAPPAS: Isn't this food program that you have in feeding children and so forth--I am sure everyone will agree that children should be fed, children who don't have food and people who don't have medical aid should be given medical aid and so forth--but don't you provide an indoctrination also with the food, that the children are being indoctrinated into your philosophy and so forth, that when they grow up they will be big Panthers?

MR. HILLIARD: What you call indoctrination we call education. I figure they are being indoctrinated when you tell them to pick up a gun and go 10,000 miles and shoot somebody that never even called them "nigger". What we do is educate them. We educate them to their own environment. We don't educate them about historians that are completely rejected, completely removed from their environment. We educate those people, those young people, about the conditions in the White mother country, as sometimes referred to, and the situation in the Black community. We show them and we point out to them the evil doers and the lawbreakers supposedly manifested in the peace officers, and we show them very concrete and real contradictions, but we do not indoctrinate them. We educate them.

MR. NOSSITER: Mr. Hilliard--

MR. HERMAN: Mr. Hilliard, the Party, the Black Panthers, are subject, I think you yourself have charged, to almost unexcelled unbeaten FBI scrutiny. How badly are you infiltrated? Are there FBI men or whatever through all of your organization?

MR. HILLIARD: You see, first of all let's make very clear what we are talking about: There is both ideological infiltration--and then there is cultural infiltration. I don't think that we have any FBI agents in our National Headquarters. I know that in New York City they wiped out the whole organizing cadre, which numbered some twenty-one people. So I am sure that there are some agents there. But in our National Headquarters, I am content to believe that we have dedicated corps people working for the betterment of their Black people.

MR. HERMAN: There has been a lot written about the attempts of the Black Panther leadership to use truth serum or drugs and so forth to check the honesty and legitimacy of its high leadership. Doesn't that mean that you are somewhat worried?

MR. HILLIARD: I don't know anything about truth serum. I am not sure that truth serum would be the kind of chemicals necessary to even make people admit if they were agents. I don't know about the validity of truth serum. I am not a doctor or a physician.

MR. HERMAN: How about the New Haven case, where the police charged that Black Panther leadership kidnapped, beat up and finally executed a Black Panther informer?

MR. HILLIARD: What about the Reichstadt?

MR. HERMAN: What?

MR. HILLIARD: What about Reichstadt?

MR HERMAN: Oh, I'm sorry.

MR. HILLIARD: What about Charles Pool?

MR. HERMAN: What I meant was there this kind of action against possible informers anywhere in your organization?

MR. HILLIARD: Well, let's say it is not necessary for the Black Panther Party to use this kind of torture and this kind of animalization. But let's say that this is a weapon that the United States government uses in order to vilify the Black Panther Party, the same as they use in Vietnam with the Songmy massacre, the same as they use in any other country where they want to first vilify the people and then isolate them and commit acts of atrocity and genocide against their people. We do not use those kinds of tactics. It is not in the benefit of our Party. Our Party is a party, as I said, that is for service to the people. We are up at six o'clock every morning feeding hungry children, trying to put forth point seven of our program to remove or control the police in our communities. We don't have time to do the dirty work for the police. I say that the police killed Alex Rackley.

MR. NOSSITER: Mr. Hilliard, in the world that you want to build --let's say it came about--would you permit a dissident group to carry sawed-off shotguns, to carry automatic weapons?

MR. HILLIARD: I would say that there wouldn't be any need for people to carry weapons anywhere on this planet earth, if the government was a government for and by the people. The very fact that you have a very one-sided government, that only satisfies the needs of a few, a ruling class clique that manipulates the whole world, make it necessary for people to pick up anything they can to insure another day of life.

MR. HERMAN: But where in the world is there a government like the one you are talking about, where there is no need to keep an eye on the people?

MR. HILLIARD: I am sure that there are some examples. In my travels, I think that Algeria would be more of a model type people's government than the present form of tyranny and despotism--

MR. HERMAN: There are no dissidents, nobody in jail there?

MR. HILLIARD: Of course they have jails, and we could not imagine a society without authority. We do not say that. What we do say that as long as the people have some self control, as long as the people are getting three meals a day, as long as they are employed, then I think that it will put as end to the many robberies, to the killings--and you can check that out for yourself. There are records. They don't have near as many crimes in Algeria as they do here.

MR. NOSSITER: Mr. Hilliard, you are talking about the society that the Panthers want to build. Your colleagues frequently tell me that they draw their inspiration from Marx and Lenin. Do you? And what does this mean to you, if you do?

MR. HILLIARD: Well, we see Marxism-Leninism as being a science. They are an advanced science, and we recognize Marxism and Leninism as not a dogmatic ideology but rather as a guide to action, so that philosophy of the Black Panther Party is not a philosophy that reflects the history of China, of Russia, of Korea, or of Cuba, for that matter. But it is the historical experience of Blacks right here in this country interpreted through Marxism-Leninism not as a dogmatic dogma but as a guide to action.

MR. PAPPAS: Mr. Hilliard, what kind of support does the Black Panther Party receive from such countries as Cuba, North Vietnam and so forth?

MR. HILLIARD: Resistance against a common enemy.

MR PAPPAS: Well, is it in the form of money, guns propaganda or what?

MR HILLIARD: We haven't ever received any money from the People's Republic of Cuba or China or Korea, and one of the reasons we haven't is because the intermediaries of the United States government have taken it all off.

MR HERMAN: How about Algeria? I don't know if you left some out or--

MR HILLIARD: Well, they control the mail that comes from Algeria, too, so we know that it is impossible to get any money from Cuba or from Algeria or from Russia, or from any other country because of the United States government.

MR. HERMAN: Have you been offered it?

MR. HILLIARD: I am sure that those people would give us anything that we asked, if it was possible for us to get it but, seeing that the system is set up in the United States government as being the initial recipients, we would never receive that. They are thieves and they put their claws on it and we never see it.

MR. HERMAN: Do you mean to tell me that in a country into which morphine and heroin is smuggled in every day that you couldn't get some help in from these other countries?

MR HILLIARD: Well, we don't go to the extremes to do that. First of all, we see our struggle as being one of self-reliance and we are not dependent upon anybody else financing our struggle. We said that the best assistance that we can get from all the countries you mentioned is their resistance against U.S. imperialism.

MR. PAPPAS: Given the raids and the jailings of Panther leaders that have taken place, really, has your organization any kind of future?

MR. HILLIARD: We see that it has more future than this country.

MR. PAPPAS: Your Minister of Information is now in exile, Eldridge Cleaver. You speak with him often on the phone, is that correct?

MR. HILLIARD: You know I do. They tap the phones and the phone is probably hooked up to the White House.

MR. PAPPAS Well, can you tell me why he wants to come back to the United States, or does he?

MR. HILLIARD: I can't tell you. Eldridge has never told me that he wanted to come back. The man is completely satisfied where he is. He doesn't have to worry about--

MR PAPPAS: Why did he file for a passport?

MR HILLIARD: Because he has a right to it. He has a right to a passport. He is an American citizen.

MR. PAPPAS: But for what reason?

MR HILLIARD: So that he can travel around, so that he can have identification. You know, as he left, he didn't have any identification at all because he left under such circumstances.

MR. PAPPAS: Does he want to go to another country perhaps besides the United States?

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of vehicles and the requirement of "some activity out of the ordinary," a connection between the person under suspicion and the unusual activity, and some suggestion that the activity is related to a crime. People v. Henze, supra, 253 C. A. 2d at 988. To refuse to instruct on this theory of the case was prejudicial error.

During the discussions concerning instructions, the trial court indicated that it would give one of the Wells-Gorshen diminished responsibility instructions. Defendant had proposed CALJIC numbers 71,71C and 71D (C.T. 290). The trial court gave the Wells-Gorshen instruction 71.11 but did not give numbers 71C nor 71D. (See C.T. 292, prepared under the court's direction to reflect the court's disposition of Defendant's Proposed Instructions.) Although defendant did withdraw numbers 71C and 71D as well. The latter instructions cover the effect of unconsciousness on criminal responsibility. There was competent, credible evidence as to defendant's loss of consciousness, including corroborative physical evidence and expert medical testimony supporting the defendant's own testimony on this point.

The verdicts themselves show that issues of provocation and diminished responsibility (resulting from the defendant's bullet wound and semi-conscious state subsequent to receiving it) were central to the case.

The verdict of acquittal of assault and the verdict of conviction were consistent neither with the testimony of the defendant that he shot no one, nor with testimony of Grier that he saw the defendant shoot at Heanes and Frey, nor were these verdicts consistent with each other. The only logical explanation for the verdicts in terms of the evidence must, of necessity, rest upon a finding that Frey provoked the defendant to a point where he responded in such a way that Frey then began a use of force unauthorized but not excessive enough to render the defendant's subsequent response justifiable homicide, assuming arguendo, as the verdict assumes, that defendant was the agency responsible for Frey's death.

The verdict of conviction should fall, because it is inconsistent wih the verdict of acquittal of assault, and because the evidence does not consistently support it, and because it might well have resulted from the trial court's failure to inform the jury, when it requested an instruction on "justifiable homicide" (C.T. 324), under what circumstances justifiable homicide exists under the law and to instruct that if the jury so found it must render a verdict of acquittal.

CONCLUSION

The proceedings and errors complained of in this case all partake of a common theme in our country today. White men, judges, their friends on the grand jury, prosecutors, policemen, mayors, accuse a young Black man of killing a White police officer who has stopped the Black man in his own Black ghetto community for the sole reason that the car is a "known Black Panther vehicle."

The Black man is indicted by that Grand Jury and is thus unable to confront or cross-examine the accusers; discovery of prosecution witnesses is denied, then delayed, then an inaccurate statement is transmitted to the defendant, and then the court refuses to re-open the case or explain the circumstances to the jury when the inaccuracy is discovered.

The jury is chosen from a source which underrepresents Black people by at least twenty per cent; then, substantially greater proportions of the Black people called for jury duty are excused by administrative procedures; then, substantially greater proportions of the Black people voir dired are excused for cause because they oppose capital punishment; then, all Black persons but one are peremptorily excused by the prosecution.

White governmental authorities issue prejudicial publicity before and during the course of the trial concerning the alleged dangers and evils of the Black defendant's organization; the courthouse becomes an armed camp with armed deputies, bristling security, personal searches, rudeness and racial tension; the defendant is manacled upon every entry and exit from the courtroom.

The defendant's prior felony conviction, obtained when he was unrepresented by counsel, is admitted into the proceedings without a hearing to determine its constitutional validity.

Upon conviction of the crime of manslaughter and, thus upon acquittal as to first and second degree murder and acquittal on kidnapping and assault charges, the defendant is denied bail pending appeal and denied probation.

The implications of these factors are urged, documented, presented to the trial court in numerous motions for dismissal, continuance, mistrial, re-opened trial, new trial, and all are denied.

These proceedings, and this result, are not, cumulatively or in each of these particulars, a part of that "fundamental fairness" which constitutes due process of law, nor did the defendant receive a fair trial within any reasonable understanding or meaning of that term, post-Kerner Report.

American justice is at stake in this case, as well as the issue of whether equal protection of the laws can in fact be extended to the Black and other minority ethnic peoples who live in the United States.

The entire course of the proceedings and the resultant conviction reflect that deep, pervasive, overwhelming oppression which the White community continues to inflict upon the Black, and the special and extraodinary treatment of those young Blacks who visibly and articulately oppose that status quo.

The very essence of due process of law--notice, opportunity to be heard, "fundamental fairness"--is missing from these proceedings. The Black man is not heard when he is excluded from the decision-making bodies of society at all levels, or permitted in token numbers and then systematically excluded by procedures which may have been designed for other reason but which operate systematically to exclude him (excuse of wage earners, of those opposed to capital punishment, misuse of the peremptory challenge, etc.); when extraordinary, unusual methods of prosecution are taken on grounds that Black people are so dangerous that unusual methods are necessary (indictment rather than information, withholding of names and statements of witnesses, severe limitation of right to public trial, armed security, airing of prosecution views through major publications media, granting of immunity to prosecution witness who takes Fifth Amendment (although not to defense witness who exercises the same privilege); and when ordering an immunity hearing, in mid-trial, to take place without any notice, subsequent to the reading of the witness's out of court statements to the jury despite his exercise of the Fifth Amendment.

Although it is supposedly because of the "perpetually dangerous" Black people that these precautions are deemed necessary, it is the White police officers who shoot into the Black Panther National Headquarters within hours after the verdict (R.T. 3917), and it is the Black defendant, who has been in confinement in a special, isolated cell for almost a year, wih his life at stake, who issues, prior to the verdict, a tape recording from his jail cell urging Black high school students and others to keep calm no matter what the verdict (R.T. 3903-04).

If these facts are not relevant to the appelate review of these proceedings, the language of the Constitution has become totally empty, as indeed thousands of young Black and White people today feel it has become. To many in the Black community, the defendant represents the very spirit of the new creativity and pride which is replacing degradation and oppression. The Black Panthers took on as their special mission the active defense of their community, patrolling it with arms until the law was changed to prohibit that practice. The Panthers represented a widely spread feeling in the Black community that the White police were brutal invaders. This feeling was found by the Kerner Commission to be prevalent in the Black community and to require action by the majority community (Kerner Report, pages 302-09).

With this background, in this setting, three people are shot, but no gun is found at the location attributable either to the dead officer, who had at least one gun and was known to have owned more, nor to the defendant founder of the Black Panther Party," (56) who denied having a gun at all.

FOOTNOTE

56. Newton saw the work and role of the Black Panther Party as complex and varying. Defendant had studied law, habitually carried with him a law book on the rights of citizens, and on the very day of this incident had spoken, by invitation at San Francisco State College, on the subject of the problems faced by Black people in America in their attempts to maintain dignity and obtain power. See Appendix C

END FOOTNOTE

The second officer who was in this incident never saw a gun in the defendant's hand, but witness Henry Grier testified that he did see a civilian at the scene pull out a gun and shoot. How shall the credibility of these persons be assessed? By what rules, to what type of jury, drawn from what sources, shall the testimony as to the facts be submitted? And which facts shall be submitted to the jury? Shall the jury hear that the prosecution made an offer to Negro businessmen situated in the ghetto to "pay well" for information in the case? Shall the jury learn that the prosecution had an early work draft of Grier's statement in which the prosecution's transcribers heard the word "didn't," but that the prosecution concealed this from the court and the defense?

The credibility of our system of justice is as much at stake as the credibility of Henry Grier, who, the defense and jury were told, did see John Frey's assailant's face, but in fact, the defense discovered while the jury was deliberating, did not. Will Huey P. Newton be given a chance to go before a jury representative of the community of Oakland, Alameda County, California, and inform them that Henry Grier did not see the face of the man he identified in court as Newton? If there is any meaning to the guarantee of a fair trial, it must include that chance, and the manslaughter conviction herein must be reversed.

Dated: June 20, 1969, at San Francisco, California.

Respectfully submitted,

GARRY, DREYFUS, MCTERNAN & BROTSKY
CHARLES R. GARRY
FAY STENDER

BY FAY STENDER
Attorneys for Appellant

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no backyards large enough or safe enough for them to play in. He also told me about the numerous children running out into the street just missing getting hit.

On the corner of Divisadero and Pine more projects are being built, and for a quarter of the block, the sidewalk is completely taken out. In place of a cement walkway, a wooden one has been built, but still the people have to walk in mud, covered by a shakey platform hanging over, with no lights to keep them from tripping and slipping in the mud on their way to the store to get robbed. This is unsafe, and against the health code of the city, not unsafe only for old ladies, but for all the people of the community. The projects being built on the corner are being built by the community imperialists and protected by 5 rent-a-pigs each night. A construction truck was parked in front of a sister's house next door to the projects on the sidewalk and she couldn't get into her house. When her neighbor asked about the truck being moved, one of the pigs arrogantly told him to mind his own business or he would be arrested. The brother in turn called the pig pen, but the truck stayed until the pig was ready to go home.

The pigs again were called concerning a 2 foot hole in the street. As you turn from Divisadero and Pine Streets, your car is bound to bump into this hole 3 feet wide and 2 feet deep. One night when returning to the Community Center our car hit the bump and the hub cap flew off. A brother went back to get it after we reached the Community Center, and there was a pig walking away with our hub cap. When he was told to give back the hub cap, he said he found it, but he gave it back, only because he was caught in the act of stealing. When the pigs finally came, a brothers told them about the hole in the street. Their reply was, "There is nothing we can do about it, that's the construction company's business." But the people know that it is not the construction company's business, it is a problem of the community; and the people living in the community are the only ones that can solve these problems. They are the only ones that can run the capitalists out, the pigs out, and the community imperialists out; and build a community the way they want it, for the best interest of the people.

The only way to destroy the evil elements of our communities is by running them (capitalists etc.,) out, behind the rights of human survival, all of us, and they will perish--if we maintain our ground and fight till death for these rights, we will be victorious, and the victory will indeed be ours.

"If we worry about what's going to happen to us, we couldn't accomplish anything...Justice is gonna come when the masses of people rise up and see justice done...The more they try to come down on us, the more we'll expose them for what they are... PIGS"--Bobby Seale.

Black Panther Party
Community Center
2777 Pine Street
S.F. Calif.

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MR. HILLIARD: I think he would like to move around. It would be of benefit to both our Party and Eldridge for him to move around. The man doesn't have be an island somewhere.

MR HERMAN: Mr. Hilliard, as a result of all of the newspaper publications of killings of Black Panthers, as a result of all of these investigations, suddenly the Black Panther has gotten the support, at least verbal support, of a whole group of moderate or even conservative Black groups. Even the NAACP now seems to have some kind words to say for you. Do you welcome this? Do you court it?

MR. HILLIARD Of course we welcome it. We see our struggle as being one--

MR. HERMAN: Well, the reason I wanted--there is very little time left and I just wanted to ask you--will your welcoming this support make any change in your own policies?

MR. HILLIARD: Our policy is still self-defense and national salvation. We welcome it because it shows very clearly that even the most moderate American Blacks have finally realized that this is the most atrocious, the most barbarous government, the number one enemy of humanity so, therefore, they are moving with all of the forces of resistance against a common enemy, and that is in this case U.S. fascism.

MR. HERMAN: Thank you very much for being with us today on Face the Nation.

MR HILLIARD: Right On.



Designed By Emory

SEIZE THE TIME

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The revolutionary album called "Seize The Time" by Elaine Brown, that the Black Panther Party has promised to the people since October is now on sale.

Elaine, Deputy Minister of Information of the Southern California Chapter, whose songs you have heard live at our rallies and speaking engagements, has taped the feelings of the Black Panther Party and is inviting the people to enjoy and learn (the words to the songs are printed on the inside of the cover), and begin to have a deeper understanding of your Vanguard Party.

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In all societies, the way of life of the people, their culture, mores, customs, etc., evolve from the economic basis of that society. The United States is a capitalist society, the system of capitalism being one of exploitation of man by man, with by-products such as racism, religious chauvinism, sexual chauvinism, and unnatural divisions among the people. In other words, it's a dog-eat-dog society. But it's not a dog-eat-dog world.

Men are not innately greedy, nor are they innately uncooperative with each other. Therefore, it is our goal, it is the goal of the Black Panther Party, and must be the goal of all men, to create conditions in which men can start being human, can begin to cooperate with each other, can live with each other, in fact, in peace. Men cannot do this without an arena in which to do so. In other words, in an exploitative system men are forced to exploit. In an unkind system, men are forced to be unkind. In a world of inhumanity, men will be inhuman. In a society that is warmongering, men will war. These are the aspects or the way of life of a people who are part of a capitalist system.

And songs are a part of the culture of society. Art, in general, is that. Songs, like all art forms, are an expression of the feelings and thoughts, the desires and hopes, and so forth, of a people. They are no more than that. A song cannot change a situation, because a scng does not live and breathe. People do.

And so the songs in this album are a statement — by, of, and for the people. All the people. A statement to say that we, the masses of people have had a game run on us; a game that made us think that it was necessary for our survival to grab from each other, to take what we wanted as individuals from any other individuals or groups, or to exploit each other. And so, the statement is that some of us have understood that it is absolutely essential for our survival to do just the opposite. And that, in fact, we have always had the power to do it. The power to determine our destinies as human beings and not allow them to be determined by the few men who now determine them. That we were always human and always had this power. But that we never recognized that, for we were deluged, bombarded, mesmerized by the trinkets of the ruling class. And this means all of us: Black, Mexican, White, Indian, Oriental, Gypsy, all who are members of the working class, of the non-working class (that is, those who don't have jobs), all who are oppressed.

This means all of us have this power. But the power only belongs to all of us, not just some or one, but all. And that was the trick. That was the thing we never understood. And that is what statement these songs make.

ALL POWER TO THE PEOPLE.
SEIZE THE TIME.

Elaine Brown
Deputy Minister of Information
Southern California Chapter
Black Panther Party

DIG

By Eldridge Cleaver



From "Revolution and Education"

"...the process of breaking out of slavery, the process of breaking out of a set of social arrangements, of a social organization that is killing us, this process is named revolution;...revolution is a glorious term, it's a term to be proud of, and we should know that we are morally right, we are right in every sense of the term, that the oppressor is the one who is wrong; and that the oppressor has no rights, which the oppressed are bound to respect..."

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STATE/ZIP # ________ COUNTRY ________

PLEASE MAIL CHECK OR MONEY ORDER TO: MINISTRY OF INFORMATION, BLACK PANTHER PARTY, Box 2967, Custom House, San Francisco, CA 94126



RULES OF THE BLACK PANTHER PARTY

CENTRAL HEADQUARTERS OAKLAND, CALIFORNIA..

Every member of the BLACK PANTHER PARTY throughout this country of racist America must abide by these rules as functional members of this party. CENTRAL COMMITTEE members, CENTRAL STAFFS, and LOCAL STAFFS, including all captains subordinate to either national, state, and local leadership of the BLACK PANTHER PARTY will enforce these rules. Length of suspension or other disciplinary action necessary for violation of these rules will depend on national decisions by national, state or state area, and local committees and staffs where said rule or rules of the BLACK PANTHER PARTY WERE VIOLATED.

Every member of the party must know these verbatum by heart. And apply them daily. Each member must report any violation of these rules to their leadership or they are counter-revolutionary and are also subjected to suspension by the BLACK PANTHER PARTY.

THE RULES ARE:

1. No party member can have narcotics or weed in his possession while doing party work.
2. Any party member found shooting narcotics will be expelled from this party.
3. No party member can be DRUNK while doing daily party work.
4. No party member will violate rules relating to office work, general meetings of the BLACK PANTHER PARTY, and meetings of the BLACK PANTHER PARTY ANYWHERE.
5. No party member will USE, POINT, or FIRE a weapon of any kind unnecessarily or accidentally at anyone.
6. No party member can join any other army force other than the BLACK LIBERATION ARMY.
7. No party member can have a weapon in his possession while DRUNK or loaded off narcotics or weed.
8. No party member will commit any crimes against other party members or BLACK people at all, and cannot steal or take from the people, not even a needle or a piece of thread.
9. When arrested BLACK PANTHER MEMBERS will give only name, address, and will sign nothing. Legal first aid must be understood by all Party members.
10. The Ten Point Program and platform of the BLACK PANTHER PARTY must be known and understood by each Party member.
11. Party Communications must be National and Local.
12. The 10-10-10-program should be known by all members and also understood by all members.
13. All Finance officers will operate under the jurisdiction of the Ministry of Finance.
14. Each person will submit a report of daily work.
15. Each Sub-Section Leader Section Leader, Lieutenant, and Captain must submit Daily reports of work.
16. All Panthers must learn to operate and service weapons correctly.
17. All Leadership personnel who expel a member must submit this information to the Editor of the Newspaper, so that it will be published in the paper and will be known by all chapters and branches.
18. Political Education Classes are mandatory for general membership.
19. Only office personnel assigned to respective offices each day should be there. All others are to sell papers and do Political work out in the community, including Captains, Section Leaders, etc.
20. COMMUNICATIONS — all chapters must submit weekly reports in writing to the National Headquarters.
21. All Branches must implement First Aid and/or Medical Cadres.
22. All Chapters, Branches, and components of the BLACK PANTHER PARTY must submit a monthly Financial Report to the Ministry of Finance, and also the Central Committee.
23. Everyone in a leadership position must read no less than two hours per day to keep abreast of the changing political situation.
24. No chapter or branch shall accept grants, poverty funds, money or any other aid from any government agency without contacting the National Headquarters.
25. All chapters must adhere to the policy and the ideology laid down by the CENTRAL COMMITTEE of the BLACK PANTHER PARTY.
26. All Branches must submit weekly reports in writing to their respective Chapters.

THE BLACK PANTHER

BLACK COMMUNITY NEWS SERVICE
PUBLISHED WEEKLY BY THE BLACK PANTHER PARTY

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Minister of Finance

Minister of Foreign Affairs

Minister of Justice

Prime Minister

Communications Secretary
KATHLEEN CLEAVER

Minister of Culture
EMORY DOUGLAS

The editorial and production cost of THE BLACK PANTHER Newspaper have increased considerably. We would like to continue increasing weekly circulation and our national and international news coverage. To do this we need your aid. Please send us news items, general information, and contributions. Help us distribute and get new subscriptions to The Black Panther newspaper. Submit to:

BLACK PANTHER NEWSPAPER
3106 SHATTUCK AVE.
BERKELEY, CALIF.

October 1966

Black Panther Party Platform and Program

What We Want What We Believe



FREE HUEY

Minister of Defense, Black Panther Party

1. We want freedom. We want power to determine the destiny of our Black Community.

We believe that black people will not be free until we are able to determine our destiny.

2. We want full employment for our people.

We believe that the federal government is responsible and obligated to give every man employment or a guaranteed income. We believe that if the white American businessmen will not give full employment, then the means of production should be taken from the businessmen and placed in the community so that the people of the community can organize and employ all of its people and give a high standard of living.

3. We want an end to the robbery by the CAPITALIST of our Black Community.

We believe that this racist government has robbed us and now we are demanding the overdue debt of forty acres and two mules. Forty acres and two mules was promised 100 years ago as restitution for slave labor and mass murder of black people. We will accept the payment in currency which will be distributed to our many communities. The Germans are now aiding the Jews in Israel for the genocide of the Jewish people. The Germans murdered six million Jews. The American racist has taken part in the slaughter of over fifty million black people; therefore, we feel that this is a modest demand that we make.

4. We want decent housing, fit for shelter of human beings.

We believe that if the white landlords will not give decent housing to our black community, then the housing and the land should be made into cooperatives so that our community, with government aid, can build and make decent housing for its people.

5. We want education for our people that exposes the true nature of this decadent American society. We want education that teaches us our true history and our role in the present-day society.

We believe in an educational system that will give to our people a knowledge of self. If a man does not have knowledge of himself and his position in society and the world, then he has little chance to relate to anything else.

6. We want all black men to be exempt from military service.

We believe that Black people should not be forced to fight in the military service to defend a racist government that does not protect us. We will not fight and kill other people of color in the world who, like black people, are being victimized by the white racist government of America. We will protect ourselves from the force and violence of the racist police and the racist military, by whatever means necessary.

7. We want an immediate end to POLICE BRUTALITY and MURDER of black people.

We believe we can end police brutality in our black community by organizing black self-defense groups that are dedicated to defending our black community from racist police oppression and brutality. The Second Amendment to the Constitution of the United States gives a right to bear arms. We therefore believe that all black people should arm themselves for self-defense.

8. We want freedom for all black men held in federal, state, county and city prisons and jails.

We believe that all black people should be released from the many jails and prisons because they have not received a fair and impartial trial.

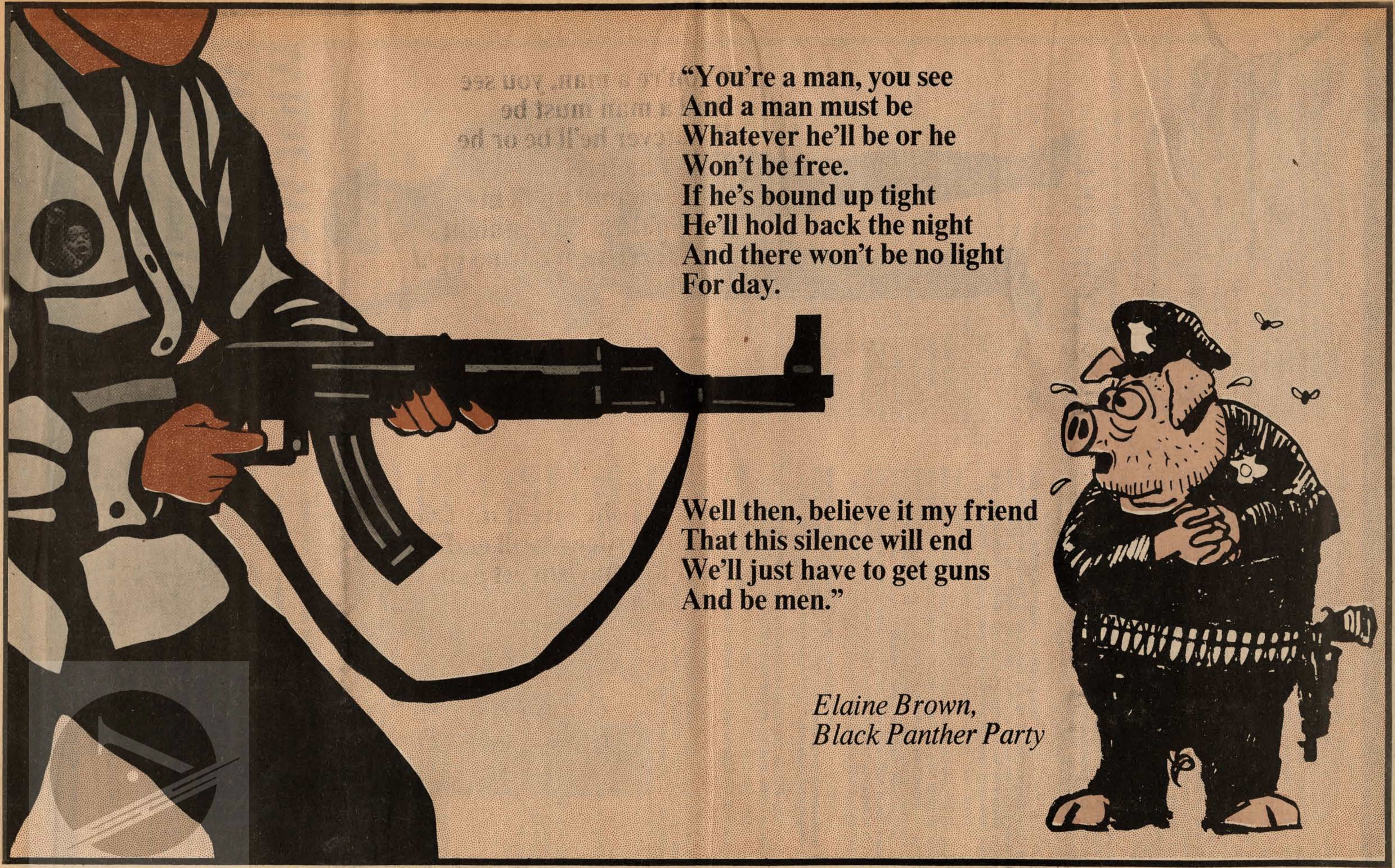
9. We want all black people when brought to trial to be tried in court by a jury of their peer group or people from their black communities, as defined by the Constitution of the United States.

We believe that the courts should follow the United States Constitution so that black people will receive fair trials. The 14th Amendment of the U.S. Constitution gives a man a right to be tried by his peer group. A peer is a person from a similar economic, social, religious, geographical, environmental, historical and racial background. To do this the court will be forced to select a jury from the black community from which the black defendant came. We have been, and are being tried by all-white juries that have no understanding of the "average reasoning man" of the black community.

10. We want land, bread, housing, education, clothing, justice and peace. And as our major political objective, a United Nations-supervised plebiscite to be held throughout the black colony in which only black colonial subjects will be allowed to participate, for the purpose of determining the will of black people as to their national destiny.

When, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume, among the powers of the earth, the separate and equal station to which the laws of nature and nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness. **That, to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that, whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute a new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness.** Prudence, indeed, will dictate that governments long established should not be changed for light and transient causes; and, accordingly, all experience hath shown, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. **But, when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security.**


"You're a man, you see
And a man must be
Whatever he'll be or he
Won't be free.
If he's bound up tight
He'll hold back the night
And there won't be no light
For day.

Well then, believe it my friend
That this silence will end
We'll just have to get guns
And be men."

Elaine Brown,
Black Panther Party